

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
IN THE SUB-REGISTRY OF MTWARA  
AT MTWARA  
CRIMINAL SESSION NO. 23 OF 2023**

**THE REPUBLIC  
VERSUS  
EVANCE MOSES CHAVI**

**RULING ON SENTENCE**

10<sup>th</sup> & 17<sup>th</sup> January, 2024

**MPAZE, J.:**

On the 15<sup>th</sup> January, 2024, the accused was brought before this Court for a plea taking concerning the charge of Murder contrary to sections 196 and 197 of the Penal Code Cap 16 R.E 2022. He pleaded not guilty to the offence. However, Mr. Songea, the learned Advocate for the accused person, informed the court that his client is willing to plead to the lesser offence of Manslaughter under sections 195 and 198 of the Penal Code Cap 16 R.E 2022, if the Republic has no objection.

On their part, the State Attorney had no objection; they accepted the offer. As a result, the Information for Murder was substituted with the lesser offence of Manslaughter, to which the accused person pleaded

admitted by the accused person as true and correct. Consequently, the accused was found guilty and convicted based on his own guilty plea.

The sentence was reserved which is now going to be delivered. On the side of the Prosecution, they have requested a sentence against the accused person be passed in accordance with the law, especially considering that the accused has terminated the life of the deceased, who had the right to live.

Meanwhile, on the side of the Defence, they have requested leniency in the imposition of the sentence. They argue that the accused is a first offender, and his plea of guilty has reduced costs and time for the Court. They also urge the Court to consider the time the accused has spent in custody, the elderly parents who depend on him, and the fact that at the time of committing the offence, he had just transitioned from childhood to adulthood.

In delivering its sentence, this Court has considered the arguments from both sides. Additionally, it has taken into account the requirements of the Tanzania's Sentencing Guidelines, 2023 which provide for a range of sentences from high to low depending on the seriousness, nature of the offence and how the same was committed.

Considering the circumstances of the offence in the manner it was committed, and apart of being informed that the accused and the

deceased had a dispute before the deceased death occurred, the specific details of the dispute were not elucidated, leading to the accused being unable to restrain himself, resulting in him fatally stabbing the deceased and fleeing.

Despite the gravity of the offence committed by the accused person, which is undoubtedly inhumane, the fact that he pleaded guilty to the offence calls for a reduction in the sentence. Factors such as the time spent in custody and the age of the accused person also warrant leniency.

As I mentioned above, although the facts indicate that the cause of Manslaughter was a quarrel between the accused and the deceased, the details of this altercation remain unclear. The specifics of what exactly the dispute between the two entailed are not provided. Instead, we are left with the accused account asserting that the deceased initiated the attack. Consequently, it is observed that the deceased also played a role in the circumstances leading to his own demise.

The maximum sentence for this offence, as provided by the law, is life imprisonment; however, this penalty can vary depending on the nature and severity of the crime, as well as any aggravating or mitigating factors. These factors play a crucial role in determining the sentence imposed by the Court.

In light of the seriousness of the offence committed by the accused, involving a violent act resulting in the death of the deceased, the Court deems an appropriate starting point for sentencing to be 10 years of imprisonment.

Considering the mitigating factors, such as the guilty plea, which reduces the sentence by 1/3, the Court deduct this from the starting point of 10 years, resulting in a remainder of 6 years and 7 months. After factoring in 13 months already spent in custody, the accused will serve a remaining sentence of 5 years and 8 months in prison.

This sentence has been imposed with the aim of serving as a deterrent, to educate other young people that employing force resulting in murder is not acceptable during conflicts. Emphasizing rehabilitation, it is essential for the youth to consistently bear in mind that they constitute the workforce of the Nation.

It is so ordered.



**M.B. Mpaze,**

**Judge**

**17/1/2024**

**COURT:** Right of appeal fully explained.



↑  
**M.B. Mpaze,**

**Judge**

**17/1/2024**