IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF SHINYANGA

SITTING AT BARIADI

CRIMINAL SESSION NO 111 OF 2022

THE REPUBLIC

VERSUS

NKINDA S/O KANONI @ MZALENDO..... ACCUSED

SENTENCE

MKWIZU, J:

The Accused **NKINDA S/O KANONI@ MZALENDO** stands convicted of his own plea of Guilty for the offence of manslaughter contrary to sections 195 and 198 of the penal code Cape 16 RE 2019 whose maximum sentence is life imprisonment. Accused is a first offender without a blemished criminal record as reported to the court by the learned State Attorney.

I have as well considered the nature of the offence, accused's conduct before and after the commission of the offence and the general circumstances of the commission of the offence. It is as admitted that the deceased was punished by the accused, her own grandfather for her careless conduct of leaving the cattle she was grazing on the grazing grounds without paying attention to them.

That notwithstanding, the nature of the weapon and the extent of the beatings as shown in the Post mortem report tendered in Court

demonstrates accused's brutality in punishing the deceased resulted into not reforming the deceased but to taking away her life on earth. The fact that having committed the offence, accused remained at the scene, raising an alarm for assistance, does not by itself qualify him leniency.

The Court is on the above circumstances convinced that, the accused deserves an appropriate sentence to make him accountable for his actions, recognise the harm he has caused to his own family and the community and be a lesson to others who would be tempted to punish their family members scarcely and irrationally. The Court would have on the above reasons landed to a Ten (10) years imprisonment sentence. However, having considered the period the accused was confined, approximately five years from his arrest in December 2017 to date, the sentence is reduced to that of five (5) years Jail term after excluding the time the accused has already spent in custody. I thus, sentence the accused **NKINDA S/O KANONI @ MZALENDO** to serve **FIVE (5) YEARS IMPRISONMENT TERM** to be counted from the date of this sentence that is to date. It is so ordered.

E.Y. MKWIZU

JUDGE
15/09/2022

COURT: Right of appeal explained.

E.Y. MKWIZU
JUDGE
15/09/2022