

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE SUB-REGISTRY OF MWANZA

ORIGINAL JURISDICTION

AT MWANZA

CRIMINAL SESSION CASE NO. 01 OF 2022

THE REPUBLIC

VERSUS

KILLIAN S/O KILIZANTI

ORDER/SENTENCE:

The accused is a first offender meaning that he has no record of the previous criminality. He has pleaded guilty to the charge hence showing contrition.

By his pleading guilty to the charge he has saved both time and expenses. As rightly pointed out by the learned defence counsel, the circumstances which led the accused to cause the death of the deceased militates against imposing a harsh sentence. The accused was at his guard premises when the deceased invaded the premises intending to commit theft. As an ordinary man, the accused had to react so as to protect the property which he was guarding.

There is another important factor reheating to sentencing. The accused, it is not disputed, committed the offence while he was 16 years old. By virtue of section 4 of the Law of the Child Act No. 21 of 2009 as amended by Act No. 4 of 2016, he was a child.

By virtue of section 119(1) of the Act, a child shall not be sentenced to imprisonment. With the foregoing reasons, I sentence the accused to an absolute discharge under section 38(1) of the Penal Code [Cap. 16 R.E. 2019].

Rights of appeal explained.




W.P. Dyansobera
Judge
13.05.2022