

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

ARUSHA DISTRICT REGISTRY

AT ARUSHA

CRIMINAL SESSION CASE NO.25 OF 2021

THE REPUBLIC

VERSUS

BARAKA JEREMIA @ ISANJA

JUDGMENT

Date of last Order: 16-11-2022

Date of Judgment: 28-11-2022

B.K.PHILLIP,J.

Baraka Jeremia @ Isanja is charged with the offence of murder contrary to section 196 of the Penal Code. The particulars of the offence are as follows; that on the 24th day of September, 2017 at Singisi area, within Arumeru District in Arusha Region, the accused person did murder one Hawa Baraka Isanja.

The learned State Attorneys Akisa Mhando and Lilian Kowero appeared for the Republic whereas the accused person was represented by the learned Advocate Richard Manyota.

The facts of the case as presented by the learned State Attorney during the preliminary hearing are as follows; that the accused is resident of Akheri, within Arumeru District in Arusha Region. The deceased was the accused's wife. On the fateful day, during evening hours the accused

person was with the deceased at his homestead located at Singisi area. He left from his residence and went to his neighbor's house namely Abisalum Charles ask for help so as to take his wife (the deceased in this case) to hospital as she was seriously sick. In return , Abisalum Charles informed one Samwel Jeremiah about the accused's request aforesaid. Thereafter, they went to the accused's homestead. Upon arriving at the accused's house , they found the deceased lying on the ground unconscious with fresh injuries on the head and her right eye was swollen. They interrogated the accused on what happened to his wife. The accused person told them that the deceased fell from the bed. Thereafter, the deceased was taken to Tengeru Hospital where she was admitted and passed on while receiving treatments. The matter was reported to the Police and the accused was arrested. The post-mortem examination was conducted and it revealed that the cause of death of the deceased was severe head injury and hypoxia. During the investigation of the case a sketch map of scene of the crime was drawn.

In proving the charge against the accused person, the Republic summoned three witnesses namely ; Dr. Abel Ndago , Gabriel Ephraim and SP David Saimon who appeared as PW1, PW2 , PW3 respectively. PW1's testimony was as follows; that he is a medical doctor working at Mount Meru Hospital since 2018 to date. He holds a masters of Medicine from Muhimbili University of Health and Allied Sciences. On 25th September 2019 he was at Mt Meru Hospital. While in the normal course of his duties he was asked by a mortuary attendant to go to the mortuary to conduct a post-mortem examination of a dead body. He went to the

mortuary as requested and upon arriving at the mortuary he found the mortuary attendant together with three people. Two relatives of the deceased and a policeman. The relatives of the deceased recognized the deceased that she was their relative namely Hawa Baraka. Thereafter, he proceeded with the post-mortem examination of the deceased. Upon checking the deceased he noted that she had bruises on the head and the hands. Her eye on the right hand side was swollen. When he removed the deceased's clothes he noted that there were bruises on the thorax. The deceased's lips and fingers were bluish. The neck was loose because it was injured. So, finally he formed an opinion that the deceased failed to breathe due to respiratory arrest, cervical spine injury and severe head injury. In the final analysis he concluded that the cause of death of the deceased was lack of oxygen caused by failure of respiratory system due to damages on the neck. Thereafter, he filled the post-mortem report. PW1 tendered in Court the post-mortem report which was admitted as exhibit PE1.

Upon being cross-examined by Mr. Manyota, PW1 told this Court the following; that he did not dissect the deceased because there was no need of doing so since after checking the corpse he was able to know the cause of death. Upon being referred to exhibit PE 1, he admitted that item No.1 in exhibit PE1 which requires to be filled in the name of the Coroner or authorization and reference number is not filled in. He insisted that despite the fact his name does not appear in the post-mortem reports he is the one who conducted the post-mortem examination of the

deceased and the mortuary attendant is the one who called him to conduct the same.

Responding to questions posed to him by the learned State Attorney Lilian Kowero, PW1 said that he conducted the post-mortem examination on 25th September 2019. The post-mortem report bears his signature and title. The mortuary attendant asked him to conduct the post-mortem examination because he was on duty on that day. He maintained that what he saw after observation of the corpse was enough to enable him to establish the cause of death.

PW2 was a retired police officer. His testimony was as follows; that before his retirement he was working at Usa Police Station from 2016 to 2020 as Policeman. He was known as E547 Detective Corporal. His responsibilities were to investigate cases, arrest offenders and arraign them in Court among others. He had worked as a police man for 25 years. On 25th September 2019, he was assigned to investigate a murder case together with Detective Constable James. The deceased's name was Hawa Baraka. The first step he took was to take deceased from Tengeru Hospital to Mount Meru Hospital because there was no mortuary at Tengeru Hospital. On the same day at around 10.00am they were instructed by ASP Daud Mapunda to arrest the accused because he was the one who killed the deceased (his wife) . At that time the accused was at Usa Police Station, so they arrested him right there. The accused had gone at the Usa Police Station with his relatives who were making a follow up of a police permit for taking deceased to Mount Meru Hospital. The next thing he did was to go to Mount Meru Hospital to witness the post-mortem examination of the

deceased. He went to Mount Meru Hospital with the deceased's relatives and two police officers.

Moreover, PW2 testified that he recorded the witnesses' statements. After his investigation he realized that the accused person is the one who caused the death of the deceased on the ground that the accused took the deceased to Hospital without reporting what happened to the deceased to the Police. He told this Court that under normal circumstances, the accused would have reported what happened to the deceased to the Police before going to the Hospital because what had happened was not something usual. PW2 identified the accused person in Court by pointing at him.

In response to the questions posed to him during cross examination, PW2 said the following. That he arrested the accused at Usa Police Station. He was directed by his boss to arrest the accused person. After conduction post-mortem examination, the doctor said that the cause of death of the deceased was lack of oxygen. A sick person is supposed first to be taken to hospital before going to the Police Station. There was no re-examination by the learned State Attorneys.

PW3's testimony was follows; that his work station is Mwanga District. He is a head of investigation department. Before going to Mwanga District he was working at Arumeru District in Arusha Region as the head of Investigation Department from 2017 to 2020. His duties were to oversee and supervise all matters pertaining to investigations of criminal cases , apprehending criminals and arraigning them in Courts of law. On 25th

September 2019, at around 8.00 am while he was at his office, Usa Police Station he received a telephone call from an informer who informed him that at Akeli area in Arumeru District, there was a man who assaulted his wife so much and the wife was unconscious. The informer told him that the name of that man is Baraka Jeremiah (the accused). That Baraka took his wife to Tengeru Hospital and there were all signs that he was making efforts to hide the truth and did not report that incidence to the Police so as to obtain the PF 3. After receipt of the aforesaid information PW3 had a discussion with his colleagues and they started making arrangements to go to Tengeru Hospital as well as apprehend Baraka. While they were discussing on how to implement their plans, the relatives of the deceased and Baraka came at the Usa Police Station. Upon being satisfied that Baraka is the one who assaulted his wife, he ordered D/CPL Gabriel to arrest him immediately for further interrogations and legal steps. The relatives of the deceased went to Usa Police Station to seek for a police permit so that they could be allowed to take the deceased from Tengeru Hospital to Arusha where post-mortem examination of the deceased could be conducted.

Moreover, PW3 testified that, he went to Tengeru Hospital to see the Corpse. The deceased's name was Hawa Baraka. He observed the deceased and noted that she had injuries on the neck. Her eye on the right hand side was swollen. Thereafter, he went to the accused's house at Akheri area. The informer and the deceased's relatives were the ones who showed him the way to the accused's house. He entered into the house and found out that it was very clean. There were no any drops of blood or

sign that there was anything unusual. He did not get any exhibit at the accused's house, but he noted that the house was cleaned purposely to hide what had transpired therein to clear anything which would connect the accused with the death of the deceased. He reached to that conclusion because of the behavior and action taken by the accused, to wit; he did not report the incidence to the Police for obtaining the PF 3 instead he went straight to the Hospital. PW3 was of the opinion that it was not possible for the accused's house to be clean the way he found it without any drops of blood or sign that there was something unusual whereas the deceased who was taken from that house had injuries in her body. In addition, PW3 told this Court that the accused as the deceased's husband was expected to be concerned on what happened to his wife and take necessary steps to report the incidence to the police as soon as possible instead of going to the Hospital and organizing his house to be cleaned as he did. PW3 told this Court that the house was either cleaned by the accused himself or his relatives because all the neighboring houses belonged to the accused's relatives. He knew that the accused's neighbors were his relatives because during investigation all neighbors were uncooperative and did not want to disclose what happened at the accused's house. PW3 identified the accused person in Court by pointing at him.

In response to the questions posed by Advocate Manyota, during cross examination, PW3 reiterated what he said in his testimony in chief that the accused was arrested at Usa Police Station and the deceased had injuries. He went on testifying that it was a correct action to take the deceased to the hospital. However, he maintained that the accused was

not sympathetic to what happened to the deceased. On the issue on whether there was a witness who testified in Court that he saw the accused killing the deceased PW3 told this Court the same could be answered by the investigator of this case. He maintained his assertion that all relatives of accused and neighbors were not ready to tell him about what happened at the accused's house. The circumstantial evidence proves that the cause of death of deceased were the injuries inflicted on the deceased by the accused.

During re –examination, PW3 told this Court that taking the deceased to hospital was the right action but still the accused person was supposed to report the incidence to the police.

Upon the closure of the prosecution case Mr. Manyota prayed for leave to make a submission that the accused person had no case to answer. I granted him the leave and he made his submission. However, at the end of the day, upon making analysis of the submissions from both sides , I made a finding that the accused person had a case to answer. Thus, I accorded him opportunity to make his defence.

The accused stood in the witness box as DW1 led by Mr.Manyota , learned advocate. He gave his defence on oath as follows; that the deceased person was his wife. They were blessed with one child namely Jackson Baraka. At the time of death of his wife, their child was one year and half old. He was staying with the deceased at their house located at Akheri ward, in Arumeru District , Arusha Region and was a "bodaboda" rider. On the 23rd of September 2017 the deceased asked for a permission to go to

Sanawari area, in Arusha Region to visit her sister who was sick, namely, Fatuma Juma. The accused person allowed her and escorted her to a bus stand. She boarded a bus to Sanamwari. Thereafter, the accused continued with his business. In the evening he went back home and found his wife had not yet come back. He called her cell phone but was not reachable. He decided to rest a bit. At around 9.00pm, he called her again but her cell phone was still not reachable. He decided to go to sleep. He woke up early in the morning at 5.00am the following day and started preparing himself to start looking for the deceased. At around 5.30am while he was at the rear of his house suddenly he heard noises of a motorcycle in front of his house. He rushed to the front of his house to see who was coming, only to find his wife (deceased) lying down near by the door of his house. There was no one around. He called his relatives and neighbors to assist him. His relatives who came to assist him were Samwel Jeremiah and Richard Jeremiah. They asked him what happened to his wife. He explained to them that he just saw her the way she was. He told them that she left the previous day for Sanawari to see her sister. Thereafter, they advised him to take the deceased to hospital. He heeded to their advice. So, they took the deceased to Tengeru hospital using his motorcycle. The deceased condition was not good. She was seriously injured. He explained to the doctor what happened. The deceased was received and attended by the doctor. Thereafter, he asked his relatives to go to Usa Police Station while he remained at the Hospital. Later, he decided to go to Usa Police Station to report the incidence and

obtain PF3. While he was at the Police Station he was arrested on the ground that he was suspected to have killed his wife.

Moreover, DW1 told this Court that there were no any misunderstandings with his wife and if he had any problems with his wife, his relatives would have known. That he had not seen his relatives coming to Court to give their testimonies. On the fateful date he observed his wife and noted that she was drunk. He was not able to know who brought his wife to his house. He denied to have been involved in any way in inflicting the injuries found on the deceased since he found her already injured. The deceased had bruises in her body but he did not know who assaulted her. He was accused of killing the deceased because she was his wife. At 4.00pm he went to Fatuma's residence to tell her what happened and Fatuma told him that she had not seen the deceased for quite a long time. Thereafter, he went back to Hospital with Fatuma. He left Fatuma at the Hospital and went to Usa Police Station. He prayed to be acquitted.

In response to questions posed to him during cross examination, DW1 told this Court the following; that Richard Jeremiah, Abisalum Charles and Samweli Jeremiah are his neighbours and close relatives, and are the ones who came to assist him. He conceded that he has not brought them in Court to testify and there is no proof that they went to Usa Police Station. Also, he told this Court that nearby Patandi Hospital at Tengeru, there is a Police Station known as Tengeru Police Station and that he did not go to Tengeru Police Station but he went to Usa Police Station. Richard Jeremiah, Abisalum Charles and Samweli Jeremiah found the deceased in a bad condition. He went to Hospital with Samweli Jeremiah and left Abisalum

at his house. He allowed his wife to go to her sister on 23rd September 2019. On 25th September 2019 she came back home seriously injured. He went to Fatuma's residence on 25th September 2019 at around 4.00pm to inform her that his wife was seriously injured. He went to Mount Meru Hospital with Fatuma to identify the deceased's body before going to the Police Station. The deceased did not go with their child. The Child remained under the custody of his aunt (DW1's sister), namely Priskila Jeremiah

During re-examination DW1 told this Court the following; that it is true that there is a Police Station known as Tengeru Police Station but it is not located nearby Tengeru hospital but it is located nearby a bus stop for the buses operating between Tengeru and Moshi. He went to see Fatuma at 4.00pm. Thereafter, he went to Usa Police Station at 5.00pm. When he went to the hospital he left Richard Jeremiah and Abisalim Charles at his house.

Having analyzed the evidence adduced by both sides, before embarking of determination on the issues arising from the evidence adduced, let me point out the facts not in dispute, to wit; the accused's name, address, age, religion and that the deceased was the accused's wife.

In my considered opinion the key issues for determination in this case are:-

i) *Whether or not the deceased died unnatural death .*

If the 1st question is answered in the affirmative

ii) *Who caused the death of the deceased.*

Starting with the first issue 1st issue , the evidence adduce by both sides prove beyond reasonable doubts that the deceased's death was unnatural. PW2 and PW3 testified that the deceased was seriously injured. PW3 told this Court that the deceased had injuries on her neck and her right eye was swollen. PW2's and PW3's testimonies are corroborated by the testimony of PW1 (the Doctor) who conducted the post-mortem examination. Like PW3, PW1 told this Court that the deceased had injuries on her body. Her right eye was swollen. PW1 testified that the cause of death of the deceased was lack of oxygen caused by failure of respiratory system due to damages on the neck. Exhibit PE1 is another prove that the deceased died unnatural death. Not only that the accused in his defence admitted that the deceased was assaulted and had injuries in her body. He told this Court that he took the deceased to hospital while she was in a bad condition and eventually she passed on. In the upshot, there is not scintilla of doubts that the deceased's death was not natural death.

Coming to the 2nd issue, which requires to establish who injured the deceased, there is no any direct evidence from the prosecution witnesses that the injuries found on the deceased which eventually led to her death were inflicted by the accused. The only evidence relied upon by the prosecution side is circumstantial evidence. Thus, I find it imperative to revisit the law on the application of circumstantial evidence, in particular in murder cases. In the case of **Juma Salum Singano Vs Republic , Criminal Appeal No. 172 of 2008** (unreported) The Court of appeal had this to say on circumstantial evidence;

*"It is common ground that the conviction of the appellant in this case was based on circumstantial evidence. We agree with both learned counsel that to **sustain a conviction on circumstantial evidence the evidence must irresistibly point to the guilt of the appellant.** This point has been expressed in various statements such as:-*

- (i) Where the evidence against the accused is wholly circumstantial, the facts from which an inference adverse to the accused to be drawn must be proved beyond reasonable doubt and must be clearly connected with the facts from which the inference is to be drawn. ALLY BAKARI & PILI BAKARI V R (1992) TLR 10 (CA)*
- (ii) To ground a conviction on circumstantial evidence, it must be incapable of more than one explanation HASSAN FADHILI v R (1994) TLR 89 (CA).*
- (iii) In order to justify, on circumstantial evidence, the inference of guilt, the inculpatory facts, must be incompatible with the innocence of the accused and incapable of explanation upon any other reasonable hypothesis than that of his guilt. The burden of proving facts which justify the drawing of this inference from the facts to the exclusion of any reasonable hypothesis of innocence is always on the prosecution and never shifts to the accused. R v KIPKERING arap KOSKE AND ANOTHER (1949) 16 E.A CA 135 "*

In the case of **Wilson Wanjala Mkendeshwo Vs Republic , Criminal Appeal No.97 of 2002, (2002 eKLR)** the Court of Appeal of Kenya upheld the conviction of the appellant in a murder case basing on circumstantial evidence similar to the case in hand since no one saw the accused person inflicting into the deceased the injuries which led to her death but his behavior and the circumstances under which death occurred moved the Court to uphold the appellant's conviction. In its judgment the Court had this to say;

*"As a general rule the accused assumes no legal burden of establishing his innocence. However, in certain limited cases the law places a burden on the accused to explain matters which are peculiarly within his own personal knowledge. For instance **section 111** of the Evidence Act, Cap. 80 of the Laws of Kenya, provides that in criminal cases an accused person is legally duty bound to explain, of course on a balance of probabilities, matters or facts which are peculiarly within his own knowledge. The said section is silent on what would happen if he fails to do so. But **section 119** of the same Act deals with presumptions of fact. A court is entitled under that section to raise a presumption of fact from the circumstances of the case, that the appellant knew how the deceased died. The presumption being one of fact is rebuttable...."*

*As we stated, earlier, the appellant denied he left the deceased's place of business with her. The learned trial Judge did not believe him. We do not believe him either. **His conduct from the date the deceased disappeared until he was arrested provides the reason why he cannot be believed.** It should be recalled that the appellant and the deceased were still living together as husband and wife. We have no evidence as to how their relationship as husband and wife was. What is clear, however, is that when the deceased did not return home on 13th September, 1997, the appellant did not appear disturbed. He never made any effort to look for her, either on that day, the next day or any other day until about 20th September, 1997*

The above cited case is very persuasive to this Court. Our law of evidence have similar provisions to sections 111 and 119 of the evidence Act , Cap 80 of the Laws of Kenya. The provisions of Section of 114 of the Evidence Act, provides as follows

" When a person is accused of an offence , the burden of proving the existence of circumstances bringing the case within any exception or exemption from , or qualification to, the operation of the law creating the offence with which he is charged and burden of proving any fact especially within his knowledge is upon him."

Whereas , the provisions of section 122 of the evidence Act provides as follows;

" A court may infer the existence of any fact which it thinks likely to had happened , regard being had to the common course of natural events , human conduct and public and private business , in their relation to the facts of the particular case".

Back to the case in hand, the pertinent question here is; does the circumstantial evidence in this case meet the principles of law or tests stipulated in the cases cited herein above?. PW3's testimony is to the effect that he was informed by an informer that the accused killed his wife and was making efforts to hide the truth that he inflicted the injuries to the deceased which eventually caused her death. The accused took the deceased to hospital without reporting the incidence to the Police. Within a short time what PW3 was told by the informer became a reality .He saw the accused person at the Usa Police Station with his relatives seeking for a Police permit so as to take the deceased body to Mount Meru Hospital. When he went to the accused's house he found the same cleaned in a way which suggested that it was cleaned to hide what happened in the house.

In his defence the accused admitted that he first took the deceased to hospital on the reason that it was a priority to rescue the deceased's life. During cross examination PW3 agreed that it was important to take the deceased to hospital before reporting the incidence to the police. However, as I alluded earlier in the analysis of the evidence , in response to question posed to him during re –examination PW3 said that it was

important to take the deceased to hospital but the accused person was supposed to report the incidence to the Police Station as soon as possible. According to the accused's defence, he took the deceased to hospital with his relative, namely Samweli Jeremiah, left Richard Jeremiah and Abiselim Charles at his house. Now, one wonders, why didn't the accused or his relative report the matter to the Police Station as soon as possible. They were four people. Under normal circumstances the accused was capable of reporting the matter to the Police Station immediately because he was not alone. Not only that the accused told this Court he tried to call the deceased's cell phone, but it was not reachable and he decided to sleep until the next day. This also speaks volumes because under normal circumstances, the accused person being the deceased's husband was expected to report to the Police that very night about his missing wife and that she was not reachable over her cell phone so as to get assistance from the Police to look for her. After all, the accused claimed that he gave the deceased a permission to go to her sister at Sanawari area, Arusha, so he had a good starting point in search for the deceased and he would have informed the Police that information.

In addition to the above, PW3's testimony that the accused's house was either cleaned by the accused person or his relatives is supported by the accused's testimony because he testified that when he went to hospital he left his relatives namely, Richard Jeremiah and Abiselim at his house. Not only that, according to the testimony of PW3 which was not challenged in any way, the accused's neighbors were his relatives and during investigation of the case they were completely uncooperative. They

did not want to disclose what happened. This piece of evidence is supported by the testimony of the accused that his neighbors were his relatives and were the ones who came to assist him to take the deceased to hospital. The scenario I have explained herein above brings a very strong message that what PW3 was informed by the informer is true, that is, the accused killed his wife and he was making efforts to hide the truth and what happened. The circumstantial evidence I have endeavored to explain herein above, fits squarely in the third test or principle on the application of circumstantial evidence stipulated in the case of **Juma Salum Singano** (supra), that is, the inculpatory facts in this case are incompatible with the innocence of the accused and incapable of explanation upon any other reasonable hypothesis than that of accused's guilt.

Also, it is noteworthy that the facts explained herein above from which the adverse reference is drawn against the accused person have been proved by the prosecution side beyond reasonable doubts and creates a clear picture that the accused is the one who caused the death of the deceased intentionally. It is consistent with the guilty of the accused but it is inconsistent with his innocence. Thus, in line with the decision of the Court of Appeal in the case of **Ally Bakari & Pili Bakari Vs Republic (1992) TLR 10** and **Fadhili Vs Republic (1994) TLR.89 (CA)** . It is noteworthy that the steps /action /behavior of the accused immediately after the incidence of the injury of the deceased is important in the assessment of the value of circumstantial evidence in question. In the case of **Republic Vs Richard Benjamini Mngulwi, Criminal Session**

Case No. 46 of 1997 (unreported) , Hon Kimaro, J, as she then was convicted the accused person of manslaughter by relying on circumstantial evidence and had this to say;

"Going by the same analogy on our traditions, if the accused did not inflict the injuries on the deceased why did he play a passive role. He said he went to look for transport but did not get any. The accused is not telling the truth. If his children were able to look for transport at the neighbour hood and got one the explanation given by the accused that he went to Mandela Express Way to look for transport cannot be true. The truth is that he did not bother to look for transport.

The circumstances as they are, lead to an inference that it is only the accused and not anybody else who inflicted the injuries....."

For avoidance of doubts, let me make it clear that I have considered the accused's defence that the deceased was injured by person unknown to him and he did not see the one who brought her home. In my considered opinion the accused's defence has not shaken the circumstantial evidence adduced by the prosecution side on the reason that his behavior which I have explained earlier in this judgment. The evidence adduced by all sides shows that the accused and his relatives went to the Police Station to look for Police permit so as to take to take the deceased body from Tengeru Hospital to Mount Meru Hospital. So, in other words had it not been for a need of the permit to take the deceased from Tengeru Hospital the accused had no hurry in reporting the incidence to the Police . Under the circumstances, this Court finds that something which likely to have happened is that the accused was not willing to report the matter to the police because he knew what happened that is, he is the one who inflicted

the injuries into the deceased and wanted to hide the truth behind the cause of death of the deceased since he was responsible for the same. The types of injuries inflicted to the deceased prove that the accused had intention to kill her.

It is also noteworthy that PW3's testimony that accused's house was cleaned to hide the truth has not been shaken by the accused's defence. What the accused tried to demonstrate in Court through the cross – examination made by his advocate is that there was nothing wrong with doing cleanliness in his house, a position which, under the circumstances of the case supports the prosecution case because PW3 testified that the cleanliness of the accused's house was done purposely to hide what happened. It is the finding of this Court that under the circumstances of this case, the act of cleaning the accused's house was purposely done to hide the truth, that is, the accused inflicted injuries onto the deceased while she was at her home.

I wish to point out that I am alive that in proving the offence of murder, the prosecution is required to prove two essential elements namely ; the act of the accused killing the deceased / causing the death of the deceased and the second one is that the accused killed the deceased with malice aforethought /intent. More so , our law of evidence provides that the burden of proving criminal cases is upon the Republic/prosecution and the standard of proof is beyond reasonable doubts. The accused does not need to prove his innocence but rather to raise doubts on the case against him. From the analysis of the evidence I have made in this judgment, I am of a settled legal opinion that the circumstantial evidence established by the

prosecution witnesses in this case proves beyond reasonable doubts the charge of murder against the accused that is he killed the accused with malice aforethought. Therefore, I hereby find the accused, Baraka Jeremia @ Isanja guilty of murder contrary to section 196 of the Penal Code and convict him of murder accordingly.

Dated this 28th day of November 2022.



B.K.PHILLIP

JUDGE