

TANZANIA / JUDGMENT

19710521 TZHC Arusha2

COURT
TZHCDECIDED
21 May 1971

Source: media.tanzlii.org · Research copy typeset by Esheria. Not court-issued or certified.

IN THE HIGH COURT OF TANZANIA AT ARUSHA APPELLATE JURISDICTION CRIMINAL APPEAL
NO. 61 hF 1971 ORIGINAL CRIMINAL CASE NO. 1795 OF 1970 OF THE DISTRICT COURT OF
ARUSHA DISTRICT AT ARUSHA Before J.L. Nwalusanya, Esq., Resident Magistrate LUCAS s/o
MAINGATLJ..... APPELLANT/ACCUSED

- - - versus THE REPUBLIC RESPONDENT/PROSECUTOR '---- CHARGE: Grievous harm contrary to section 225 of the Penal Code. i;-...
- -- J U D G M E N T 3MAj!___ '—iewntrgi, AG. J. - The appellant was convicted of causing grievous harm to one Maria Serikali. He was sentenced to two years imprisonment and ordered to pay Shs. 200/— compensation. There was ample evidence to support his conviction. The trial court accepted the evidence of the eye—witnesses who actually saw - the appellant brutally assaulting the complainant who was then pregnant. In his petition the appellant advances no arguments with which the trial court did not deal. This appeal was admitted because the sentence was considered excessive. The Doctor who examined the complainant concluded that she miscarried because of the appellant's attack. She was then six months pregnant. The appellant kicked her in the abdomen causing her severe bleeding coupled with miscarriage. Contusions were also found on her back and buttocks. In sentencing him the trial magistrate remarked:- "The accused posed as a brutal animal. The consequences of his brutality are things like a miscarriage One soul has been lost. I think a deterrent sentence is called for." The learned State Attorney supported the sentence although he was not so sure on the question of compensation. I respectfully share his view. The learned trial magistrate properly directed himself in assessing the sentence and I find no cause to interfere. Accordingly the sentence is hereby confirmed. The compensation order was made without citing the authority under which such order was made. At any rate the quantum was so large that it appeared to be punitive to the appellant. It is only fit and proper that it be reduced and it is hereby reduced to Shs. 50/—. Save as herein ordered the appeal fails. Arusha 21/5/71 (ivi.H,A, KWIKIMA) AG. J U B G E jsm
- .I i r: I

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE https://media.tanzlii.org/media/judgment/347425/source_file/a43bcaab7a5ef5db/19710521_TZHC_Arusha2.pdf

CASE PAGE <https://chat.esheria.ai/case-law/tanzania/grievousharm-tzhc-1971--6a3ea5253b1caa912981ad7a>

Prepared on 23 October 2026 · Esheria