

TANZANIA / JUDGMENT

na TZHC Singida

COURT
TZHCDECIDED
25 August 1969

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IN THE HIGH COURT OF TANZANIA AT SINGIDA, ORIGINAL JURISDICTION, (DOJ10MA REGISTRY) RIINAI SESSIONS CASE NO, 114 OF 1971, THE I REPUBLIC v:RsUs IDA SIO NKUI(I. ATD ALUTE MtJNA: „,„00ACCUSEDs. CHAB.GE Murder c/th 196 of Procedure Code. /JUD@NE N T/ KWIKINA AG, J. The two accused stand charged with the murder of one Salima Alias Baha Nkangia on 25th August, 1969. They have pleaded not guilty to the charge. The prosecution have not explained why it took them almost two years before they decided to bring up this case for hearing. One can only conjecture that the lack of evidence as to whether the deceased death was the result of foul play and if so whether these two accused were responsible for that foul play could have been the reason for dilly-dallying. The doctor who performed the post-mortem on the deceased was not available for cross-examination. His report which was tendered by the records clerk showed that the deceased died of shock due to internal haemorrhage resulting from a lacerated spleen. The deceased was found to have sustained broken ribs. The report is silent, however, as to whether this injury was inflicted on the deceased by another person. There is no evidence to indicate that the deceased's injury was inflicted by foul play either. With all this I find myself unable to say, with any degree of certainty, that the death of the deceased was the result of foul play. The prosecution have adduced evidence that the accused had

- motive for killing the deceased in that they believed her to be
- witch. There is evidence from PW4 Ndele Mkuki that the deceased was named as, a witch at a meeting where the first accused said he would be carrying a sharp billhook with which to kill anyone practising witchcraft. It is a notorious fact of life, to be taken judicial notice of, that Tanzanians generally believe that some of them are witches who should at least be ostracised if not eliminated altogether. Since the deceased was declared to be a witch at a public gathering, anyone besides the accused would have desired and sought to eliminate her. It cannot be said therefore, that only the accused and no one else could have killed her for that reason. After all the 1st accused did not threaten the deceased personally. He threatened all those who were named as witches at the meeting called by the 2nd accused. It is a record that other people besides the deceased were also named to be ,/2.

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CASE PAGE <https://chat.esheria.ai/case-law/tanzania/murder-tzhc-1969>

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