

TANZANIA / JUDGMENT

republic vs ramadhani so jumanne makonge 2009 tzhc 202 6 february 2009

COURT
TZHCDECIDED
6 February 2009

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IN THE HIGH COURT OF TANZANIA AT TABORA. (Tabora Registry) CRIMINAL SESSIONS CASE NO. 7 OF 2008 THE REPUBLIC VERSUS RAMADHAN1 S/O JUMANNE @ MAKONGE PROCEEDINGS High Court Sessions at Tabora. Date: 6/02/2009 Coram: Hon. A.K. Mujulizi, J. Mr. Kakwaya: State Attorney for the Republic Accused (name): Ramadhani Juma @ Makonge - is present under custody and represented by Kayaga, Advocate. Interpreter: Mzige, RMA English into Kiswahiii and vice versa. Notice of trial on Information for MURDEIfcontrary to section 196 of the Penal Code was duly served on the accused, now before the Court on 6/2/2009. Information is read over and explained to the accused in her their own language and he is are required to plead thereto. Plea: “ It is not true” Entered as a plead of “NOT GULTY” to the charge. A.K. MUJULIZI JUDGE 6/02/1009 SUMMARY OF FACTS: Mr. Kakwaya - State Attorney: (Reads from a written summary copy of which is filed herein forming part of this record): A.K. MUJULIZI JUDGE 06/02/2009 The Report on Examination Report of the deceased established the cause of death to be due to a head injury: It is produced as an exhibit in evidence. A.K. MUJULIZI JUDGE 6/02/2009 Mr. Kayaga: For accused: No objection. A.K. MUJULIZI JUDGE 6/02/2009 ORDER: The Report on Post-Mortem Examination of the body of the deceased HUMBI S/O YUSUF dated 30th April, 2007 is admitted in evidence as Exhibit P.1 A.K. MUJULIZI JUDGE 6/02/2009 MEMORANDUM OF MATTERS NOT IN DISPUTE

- 1) The name, and residence of the accused RAMADHANI S/O JUMA @ MAKONGE.
- 2) The death and cause of death of the deceased HUMBI S/O YUSUF as per Exh.P.1
- 3) That Consequent to the death of Humbi s/o Yusuf the accused was arrested for the murder of the deceased. Signed:
 - 1) Accused: RAMADHANI S/O JUMA @ MAKONGE
 - 2) Counsel for Accused: Mr. Kayaga: Signed:
 - 3) State Attorney: Mr. Kakwaya: Signed: In open Court at Tabora this 6th day of February, 2009. A.K. MUJULIZI JUDGE 6/02/2009 EVIDENCE: PROSECUTION: Mr. Kakwaya - State Attorney: We will call four witnesses as per the names or the list annexed to the summary of facts. No. exhibits. A.K. MUJULIZI JUDGE 6/02/2009 DEFENCE: Mr. Kayaga: Three witnesses;

- 1) Juma Jumanne Kafula of Igombe Village,
 - 2) Mwalimu Mayala of Igombe Village. 4
 - 3) Kuya Chenga of Igombe Village. JUDGE 6/02/2009 ORDER: The trial of the accused is adjourned to the next Sessions on date, and venue to be notified by the District Registrar. Meanwhile, pending his trial or further orders the accused remanded further in custody. 6/02/2009
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