

TANZANIA / JUDGMENT

republic vs yoram hamis others

2005 tzhc 266 29 july 2005

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TZHCDECIDED
29 July 2005

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iir 'lKiv high anna- c f- JP. (l-abcra R egistry) Gam iM j sessio ns c.^s hc. 7 of 2005 l 'HS I^PUELIC TARSUS 1* YCR&t s / c H lIIS @ Q.7JACE3R 2» BEMEDIOaCH a/o i, P R C C 13 iC D I IT G S nigh Court S essions at fi 'abca:a Date 1 29/i/20Q3 Cor: an « £*3*3* Mzirayj judge lir* Lukosi 1 State ifcuxtrney fear the R epublic Accused (nane) Yen: am o /o Hanisi © l^ach^r) Benedict or b/ o jBinanUQl) ajpo p resen t uxxXog custody arA represented by Kcm Xayasa* In terp re te r I* E efidh English in t o K isw abili aafi v ice v e rsa l'jotico o f triaL cn Inform ation fa r Manslaughter .contrary t o s e c t io n 195 c f the PenaL Cede was duly served cn the accused* b e fo re the Court pa 29/7/2005 Inform ation i s read over arid explained 1,0 the accuseds in they are thPir own lan^iis^e . ' required to plead %berate* P le a : 1st accused - I t is true 2nd accused — I t is true- Sntorod as a p le a c f n UUH/LT* t c the <xhsrge by the t tic accused persons* E .3 .S K3IRJDT JUDGE 29A /2005 I-Iy Lc rd, the docoasad Laurent Simon died On f 4 / 1 2/2002 at KasuLu ^ is t r ic t hospital within Kasiilu D istrict^ in KL^caa Sosion# A day before his death i*e* on l3 / 12 /2 0 0 2 f at Murubcjtia Village| th3 deceased and his frien d one JTassa «3cspo%.ar pn Qliu aidof wore involved in a fig h t with the two accusod persons, on the O'-};,or side* 'l'ho cause o f th is fi^ h t was over a pioco o f ncpp which the f i r s t accused he# borrowed fie on the doceasod and fa ilo d to return it * Cn hie side, the f i r s t accusod r£Lso had a counterclgin ?£cdnst HihP decoasod, that ho le n t a bod shout t c hi*r., which the deep asod r o f used t o r o t urn it* Hence th is fig h t broke* During tb3 fig h t the do ceased was sovoroly assaulted* He w33 conveyod to hospi^caL whore he diad on 14/ 12/2002* The body o f i.he do teased was medical ly examined and according t c the autbysy report cause o f death was due to p e r it o n itis and septicaemia* I tender tho pcs1<ncrtom report as exhibit* £&* •• My Lord, we have no ob jeci.irn* xl0ij®Ci# jt& jL 29 A /2005 Cour t t Poet marten rep ort admitted as exh ibit marked »&»* *t<15*3* i'lfcjJZit^L JIDG5 29/7/2005 FACE'S OCmXiTTSS f l'hc two accusods were arrested* I'he in v estig a tion was conducted and la ter the two were charged with mnal -tugirfeai' contrary to section 195 ° f Penal Ocde* JUDG Vi.fi 29/ 1/2005 ja t Zpcused^ My Lard, the fa c ts arc correct* Pi^U*o* I-L3XiC.iu gaft accused| 24y ^ordj thsi f ac*:,s .-arc correct* &.i3*s* iizzztz JUDGjp 29A /2005 CLur t f in dings 5 l'h» two accused 3 see ccnvicted as charged* a*s*s* iis m z i JT JDGE! 29/7/2005 &itQ codpn^' s { SrJt. pjyfesl 5 My Lord, ■wo havo no previous records* **j*5* J 15G5 29/7/2005 I&» Kgyafia, 1 Ily Lco?d, -we P^oy faP len iency on the follow ing reasons# i'hc iwo accuseds acco f i r s t offenders* i 'hoy ploafcd g u ilty s 3110 thing showing romocse ani i<l:.ey havo sorvucl the precious time o f

the Court* i hey have boon in custody fo r two years anft seven months * The f i r s t accused was 17 years and the nor:,,,, accused -J6 years at the time o f the offence* ihPy -wore takon in a, rornarfi p rison fete adults* l 'fcP deceased wp.s their friends* l'ho incident i s unfortunate because the coureu of the fig h t was on a flim sy reason* flalcins in to account the youth as° ° f ih accusods and the period they have stayed in prison I bolieve tlo y have len t a lesson,* I pray fo r leniency* 3,,E*S,, liZJRIX JUDG5 29/7/2005 ^ ft y. y . 5 q g 'i-bP i-wc a-cuecda aco youths who havo ju st attained tb.c a~P o f majority# 'x'hoy hs&o boon in romand custody £cz a p cried o f «\?o years and aoven mon'hs* 1 b o licv o that a l oirs c u s t c d id punish'AOnt. -will not servo nny unof UL purposecr Urflor the circmns^~cnCGs I inposo a throo years p rison sontcnco to qnch. accused* M r ^ y 'yr> • . 'i i .3 .3 . l&l&Kf*. JUDGE 29 /1 /2.Q05 3 i^ht o f sppaaL f u lly explained*- f yVyV* »i 0 \ E.S. IGL: JULJGiS ^ 29/ 1/2003

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CASE PAGE	https://chat.esheria.ai/case-law/tanzania/republic-vs-yoram-hamis-others-2005-tzhc-266-29-july-2005-2005

Prepared on 13 October 2026 · Esheria