

TANZANIA / JUDGMENT

19830822 TZHC Mbeya1

COURT
TZHCDECIDED
22 August 1983

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

/ 4 %rN. IN TH/HICI{ 1 NZ\NIA AT A14TJ JJiI.SICTICN, / (MbeyHlstry) CRThiINiL JYE,L 3' 8 OP 1981 O1UGINLL TRAFFIC CI& NO. 275 OF 1980 OF T DIRiC COURT OF IRING2I DISTEICT AT Ifl\IG Befo±e& W. N. B Kapaya, Resident Ilagistrate. THED. F • Y. • • • • • , • • • • • V.iRStJS CHiRGE: Causing death rhough dangerous d.riving cjss. 40(1) and 63(2) of the Foad. Traffic ct No.30/73. . . MUNYERA, J. . The mpppWant was charged with causing death through dangerous drivu . It was stated that he worked with TiNLSCO, D'Sa1aat, His Cuties entailed considerable travelling. In September, 1980 he had come to Iringa. On 19/9/80 he set off from Iringa returning to B' alaaih. He was driving a leugeot lick up TZ 49751, hen he arrived at a village called Lugalo he knocked two pedestrians who died instantly. He was charged accordingly.. In his defence he admitted that he had seen pedestrians emerge from behind a stationary bus crossing to his left side of the road. As they did this swiftly he could not avoid knocking them. The trial magistrate upheld his. defence and dquitted him, The State appealed against the erd.er of acqu.ittaL arguing that there was ample evidence to convict the respondent of the offence charged. . . Two witnesses, iron Kiboya (IW.1) and ETmiiio Mbosa (P4.2) who were with the deceased said they q aw the vehicle approach very fast. They saw it at the distance of 400 - 500 metres. Some of the pedestrians managed to cross the road before thn vehicle arrived. The first deoads, an elderly woman, was unable to leap quickly. She was lilt. The vehicle did not stoj. It went ahead and knocked another pedestrian who was outside the road (on the car's left). The sketch pin, which the respondent did not desputo, shows that the car hit the first deceased at point A, She was sent flying to point B (in front) a distance of 74 feet. This suggests that the impact was great and this could not be so if the car was at a slow speed. igain the plan shows that after he hit the first deceased the car swerved to the left and went out of the road and hit the / (2) second deceased at 34 feet from whore he hit the first dased. The second deceased fell 7 feet away from where he was hit. Still the car did not stop. It proceeded and overtuied at a distance of (34 + 7 + 3 +291) 365 feet from where it hit the first deceased. Obviously it was at a tremendous speed. In his defence the respondent said he saw a stationary bus. A lorry had overtook that bus. He slowed down to avoid collision with the lorry. Suddenly he saw people from behind the bus (if faced opposite direction). He hooted and flashed his lights to warn them. But as it was all of a sudden he could not avoid kncking thou. Now he admitted that he saw those people crossing the road. 1e did not say that he slowed down but only that he hooted and scared them off by flashing the head lamps of his car. Had he slowed down he would have avoided, the accident. He was unable to do so because he was at a high sp3ed. Had it been that those people emerged from somewhere in the

bush it could be ardued that he could not have foreseen their appearance. 3ut it was a vil]age and many people were there embarking on and diseubarking from the bus. He was supposed to reduce his speed as ho was passing through the viulae.. Had the trial magistrate taken all those factors into account he would have convicted the respondent. I allow the a1peal set aside the order of acquittal and convict the resjonJont as charted. At Mbeya, 22nd iiigust, 1983 .• 1' JUDGE. N

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/351607/ source_file/6b4203f759ea6a5c/19830822_TZHC_Mbeya1.pdf
CASE PAGE	https://chat.esheria.ai/case-law/tanzania/state-v-the-dfy-causingdeathbydangerousdriving- tzhc-1983

Prepared on 24 October 2026 · Esheria