



**Republic v Kitui (Criminal Case E013 of 2023)
[2024] KEHC 11244 (KLR) (26 September 2024) (Sentence)**

Neutral citation: [2024] KEHC 11244 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE E013 OF 2023
SC CHIRCHIR, J
SEPTEMBER 26, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

JACOB KITUI ACCUSED

SENTENCE

1. The accused was initially charged with the offence of murder contrary to section 203 as read with section 204 of the *penal code*. Pursuant to a Plea Bargain Agreement, the charge was reduced to manslaughter to which he pleaded guilty to. He was therefore convicted on his own plea.
2. A social inquiry was conducted at the direction of the court and the same was conducted and a report filed. The report is dated 19/7/2024.
3. The report paints a picture of an individual who is hard working, and was dutifully taking care of his family. However he is said to exhibit anti-social behavior. He is described as egocentric, impatient and vengeful.
4. From the facts of the case, it emerges that the Accused hit the deceased while accusing him of having poisoned his dogs. It also transpired that the Accused also attacked the deceased's wife during the incident.
5. In mitigation, through his Advocate Ms. Imbosa, the Accused, told the court that he is a father of five children whose level of education range between Grade 2 and Form 2; that he is a sole bread winner as his wife is sickly. That he is remorseful and a first offender. It is further stated that as evidence of his remorse, he bought a casket for the deceased and provided a cow for slaughter during the funeral. It is further stated that in the course of trial, he has co-existed peacefully with the deceased's family and the community at large.



6. The Prosecution did not make any submissions.
7. I have considered the Accused's submissions. Going by his counsel's submissions about the subsequent steps he took, the accused indeed demonstrated that he is remorseful. He is also a first offender.
8. He has also submitted that he has attempted to seek reconciliation with the family of the Accused . This is however not supported by the social inquiry report.
9. However remorse and being a first offender are mitigating factors. I have also considered that he has pleaded guilty at the earliest time possible.
10. The circumstances of the offence however, as stated above, shows that the Accused has an unbridled temper, is impatient and egocentric. Perhaps this explains his illogical act of causing such violence to a fellow human being on account of loss of a dog. It is for this reason that I consider that a time spent in custody will give him a chance for introspection and, hopefully , reform.
11. In view of all the foregoing, I hereby sentence the Accused to 10 years in prison. The sentence will take effect from the date of conviction.
12. Right of Appeal- 14 days.

DATED, SIGNED AND DELIVERED AT KAKAMEGA , THIS 26TH DAY OF SEPTEMBER , 2024

S. CHIRCHIR

JUDGE

In the presence of :

Godwin Luyundi- Court Assistant

The Accused

Ms. Osoro for DPP

