



**Republic v Juma (Criminal Case E023 of 2023)  
[2024] KEHC 15972 (KLR) (26 November 2024) (Sentence)**

Neutral citation: [2024] KEHC 15972 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUNGOMA  
CRIMINAL CASE E023 OF 2023  
REA OUGO, J  
NOVEMBER 26, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**KELVIN SIMIYU JUMA ..... ACCUSED**

**SENTENCE**

1. Kelvin Simiyu Juma pleaded guilty to the charge of manslaughter contrary to section 202 as read with section 205 of the *Penal Code*. This was after a plea bargain. The particulars of the charge are that; on the 14<sup>th</sup> day of June 2023 at the Lukhuna area of Kiminini location in Tongare Sub-County within Bungoma County unlawfully caused the death of Hannah Njeri Njuguna.
2. After admitting that facts this court convicted the accused on his own plea of guilty. Thereafter, the court sought a pre-sentence report on the accused person. The prosecutor informed the court that the accused was a first offender. The deceased was 30 years old at the time of her death.
3. The pre-sentence report states as follows; the accused is 29 years old. The accused is a violent man and abuses drugs. He caused the death of the deceased by hitting her with a club. The victim's family is still bitter and traumatized by the incident. The accused does not enjoy community acceptance due to his violent conduct and if released it may put his life in danger and he poses a serious risk to the rest of the public. The recommendation is that a non-custodial sentence and rehabilitation may not suffice and that he is not suitable and the court should pass an alternative sentence.
4. The accused in mitigation through his counsel stated that he is a first offender, he is remorseful, he is disciplined and seeks a lenient sentence. Whilst, in prison, he has exhibited good character for the duration he has been in custody. He has had time to think and the offence was not a pre-meditated one and he is ready to repay the harm caused through reconciliation with the deceased's family. He seeks a non-custodial sentence as he is the sole breadwinner of his wife and 2 children, who ran away from



the home due to the irate mob. He has also saved judicial time by pleading guilty to a lesser offence and he willingly surrendered to the police after the incident happened. He seeks the least sentence under Article 50 (2) (b) of the Constitution. He has been in custody from 14/6/2023 to date.

5. Manslaughter is a serious offence and the sentence provided in law is life imprisonment. In considering the sentence to impose I have considered the guidelines on sentencing, his mitigation, that he is a first offender, and the pre-sentence report. The facts indicated that on the material day of the incident, the accused started by beating his mother and then the deceased who he hit with the wooden part of a hoe. The deceased died a painful death caused by the accused for no good apparent reason. He was arrested by members of the public after the unlawful act of killing the deceased. The pre-sentence report recommends an alternative sentence. In my view, a custodial sentence is appropriate in this matter. I therefore sentence the accused to serve twenty-five (25) years imprisonment. The prison's authority shall consider the period he has been held in custody. Right of appeal is explained to the accused person.

**DATED, SIGNED AND DELIVERED AT BUNGOMA ON THE 26<sup>TH</sup> OF NOVEMBER 2024.**

**R.E.OUGO**

**JUDGE**

In the presence of:

Kevin Simiyu Juma/ Accused- Present

Miss Nekesa - For the Accused person

Miss Matere -ODDP

Wilksiter - C/A

