



**Republic v Muteti (Criminal Case 06 of 2020)
[2023] KEHC 1053 (KLR) (21 February 2023) (Sentence)**

Neutral citation: [2023] KEHC 1053 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL CASE 06 OF 2020
GMA DULU, J
FEBRUARY 21, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

JAMES MUTISO MUTETI ACCUSED

SENTENCE

1. I have considered that the accused pleaded guilty to a lesser offence of manslaughter and did not waste this court’s time. He is a first offender and has asked for leniency.
2. The pre-sentence report notes that the accused is a relatively young man of 27 years and accepts responsibility for the offence. The probation officer proposes a non-custodial sentence.
3. I have also considered that the accused person has been in custody since 2020, more than two (2) years now.
4. However, I note that the accused used excessive force in hitting the deceased on the head with a blunt object when there is indication of violence created by the deceased. In my view therefore, a non-custodial sentence is not suitable.
5. After considering all the above factors, I sentence the accused person to twelve (12) months imprisonment.

DELIVERED, SIGNED & DATED THIS 21ST DAY OF FEBRUARY, 2023, IN OPEN COURT AT MAKUENI.

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**GEORGE DULU
JUDGE**

