



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Republic v Naliaka (Criminal Case E024 of 2022)  
[2023] KEHC 18146 (KLR) (28 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 18146 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUNGOMA  
CRIMINAL CASE E024 OF 2022  
REA OUGO, J  
MARCH 28, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**RUTH NAMBUYA NALIKA ..... ACCUSED**

**RULING**

1. Ruth Namubuya Naliaka has pleaded guilty to the offence of manslaughter contrary to Section 202 as read with Section 205 of the *Penal Code*. She caused the death of her husband the deceased after a dispute over the sale of her goat by her deceased husband. She admitted that she used a panga and cut the deceased on his head, neck and hand. This court convicted her on her own plea of guilty.
2. The pre-sentence report was tendered in court together with her mitigation. Her counsel in mitigation states that she is remorseful, she is a first offender. She has been in custody for about 8 months, that they have 5 children with the deceased. That she committed the offence in the heat of passion after she was provoked. That she has 2 twins aged 1 ½ and that it is likely that she was suffering from post partum depression which led to the difficulty in reasoning.
3. I note that there was no medical report to support the statement on her mental state. She was fit to plea to the charge at the time she was brought to court. It was further submitted that she had many marital issues with the deceased.
4. The pre-sentence report is not favourable. It indicates that she is remorseful and that she seeks leniency. She is known to be a changaa consumer and has had recurring domestic conflict. Her deceased's family members are against her release and the community too.
5. I have taken into account the facts which were admitted by the accused the pre-sentence report, the mitigation and guidelines on sentencing. The offence of manslaughter carries life imprisonment. A life was lost. The wrath of the accused on the deceased was unwarranted. I do sympathize with her that her



children have no parent at home right now but the offence she committed was unlawful and a serious one. I therefore sentence the accused to serve a period of ten (10) years taking into account the period she has served in remand. The accused person has a right of appeal within 14 days.

**DATED, SIGNED, AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT BUNGOMA THIS  
28<sup>TH</sup> DAY OF MARCH, 2023**

**R E OUGO**

**JUDGE**

**In the presence of:**

**Ms Omondi – State Counsel**

**Wilkister - Court Assistant**

**Accused - Ruth Namubuya Naliaka**

