



**Republic v Kabochi (Criminal Case E018 of 2022)
[2023] KEHC 21384 (KLR) (26 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 21384 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL CASE E018 OF 2022
WM MUSYOKA, J
JULY 26, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

NANCY KABOCHI ACCUSED

RULING

1. The accused herein pleaded guilty to the lesser offence of manslaughter upon a plea bargain agreement.
2. I heard PW 1, PW 2, PW 3 and PW 4. I also heard the facts that were read out by Mrs Chepkonga. It is evident that the accused and the deceased, who were hitherto good friends, disagreed over something, and engaged in a physical fight, in the course which the accused stabbed the deceased. It does not appear that the knife was used in self-defence.
3. I have considered the mitigation offered, as well as the Probation Officer’s Report. The accused is a young person, with young children, who need her tender care. The circumstances and challenges of her growing up have been highlighted.
4. A life was lost. The accused could have avoided attacking the deceased with a knife, as it does not appear that she was under any serious threat from her. I have now considered all the facts surrounding the matter. It calls for a custodial sentence to deter such conduct. Young persons ought to learn to restrain themselves, and to seek amicable settlements to any emerging differences with the persons around them. A custodial sentence will give time to the accused to reflect, and to reconcile herself to what happened. It will also afford time for her to be rehabilitated through in-house counselling.
5. In all, I do hereby sentence the accused person to 5 years’ imprisonment. There is 14 days to file appeal against the sentence, but not the conviction.



**RULING DELIVERED, DATED AND SIGNED IN OPEN COURT AT BUSIA THIS
.....26TH DAY OFJULY..... 2023**

WM MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Appearances

Mrs. Chepkonga, instructed by the Director of Public Prosecutions, for the Republic.

Ms. Nabulindo, Advocate for the accused person.

CRIMINAL CASE NO. e018 of 2022 – RULING 2

