

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT ELDORET

CRIMINAL CASE NO.55 OF 2018

REPUBLIC.....PROSECUTION

VERSUS

PAULINE NAMAEMBA.....ACCUSED

JUDGEMENT

1. I have carefully considered the facts leading to the charge of manslaughter. The accused was very severally provoked by the deceased. Although a charge of manslaughter attracts a sentence of life in prison, I am satisfied that this is a matter where the court ought to sympathise with the circumstances leading to the death of the deceased.

2. The family of the deceased have already forgiven the accused. The accused is a 38 year old mother of 3 young children whose father is already dead. In the circumstances, I am persuaded that the 4 years the accused has been in remand is adequate to compensate for the offence, and that the accused should be released so that she can take care of the young children.

3. Further, I have noted that the deceased's father has informed the court that they have forgiven the accused person and they are willing to have her back at home. The accused also comes across as remorseful and appears to have been jolted by life under confinement. In all I now hereby jail the accused for the time served in remand and set her free forthwith unless she is validly held.

DATED, SIGNED AND DELIVERED AT ELDORET ON 21ST OF APRIL 2022.

E. K. OGOLA

JUDGE