



**Republic v Visili (Criminal Case E039 of 2020)
[2022] KEHC 11339 (KLR) (Crim) (25 May 2022) (Sentence)**

Neutral citation: [2022] KEHC 11339 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CRIMINAL

CRIMINAL CASE E039 OF 2020

DO OGEMBO, J

MAY 25, 2022

BETWEEN

REPUBLIC PROSECUTION

AND

EDNA MUENI VISILI ACCUSED

SENTENCE

1. I have considered the mitigation of the accused. Salient parts of the mitigation are that the accused has been in custody from October 2020 and that she has saved the court's time by way of entering a plea bargaining agreement with the state. She has pleaded for leniency and forgiveness. She pleads to be given the opportunity to be with her 2 children.
2. This court, called for a social inquiry report on the accused. The said report has duly been filed in court. From the side of the accused, a plea has been made for a lenient sentence. The family of the deceased, on the other hand, have pleaded for a harsh custodial sentence in view of the loss they have suffered as a result of the loss of their bread winner, the deceased.
3. Section 205 of the *Penal Code*, prescribes for punishment for the offence of manslaughter on the following terms;

“ any person who commits the felony of manslaughter is liable to imprisonment for life.”
4. I have taken into consideration the mitigation of the accused as above, particularly that she had been in custody from October 2020 and the plea for leniency. I also note that an innocent life of a young man was lost in this matter. The probation officer's report has given a picture of the loss that the family of the deceased has suffered as a result of his death.



5. Taking into account the above circumstances, I am of the view that the accused deserves a custodial sentence. In the circumstances, I hereby sentence the accused to serve 15 years imprisonment. This term shall run from 10.11.2020, the date when the accused was first arraigned in court. Right of Appeal 14 days.

D. O. OGEMBO

JUDGE

25.5.2022

Court:

Ruling read out in open court in the presence of the accused, Mr. Gatobu for the accused and Ms. Kimani for the state.

D. O. OGEMBO

JUDGE

25.5.2022

Mr. Gitobu:

We pray for copy of the ruling.

Court:

Certified copies of the ruling and proceedings to be prepared and supplied to the defence.

D. O. OGEMBO

JUDGE

25.5.2022

