

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT GARSEN

CRIMINAL CASE NO. 6 OF 2019

REPUBLICPROSECUTOR

VERSUS

ZUHURA HAMADAWA KOMORA.....ACCUSED

Coram: Hon. Justice R. Nyakundi

Mr. Mwangi for the state

The accused person

S E N T E N C I N G V E R D I C T

This was a conviction of Manslaughter contrary to Section 202 of the Penal Code arising out of a plea-bargaining agreement between the state and the convict.

I have carefully considered the mitigation, and aggravating factors which contribute to the score sheet of punishment to be imposed. The maximum sentence for the offence is prescribed as life imprisonment. However, the evidence from the probation and after care services on the pre-sentence report shows a victim offender paradigm took place incorporating various elements towards restorative justice for the victim family and the convict. There is no empirical evidence that the convict would pose a risk to society.

I therefore see no reason why the convict should not benefit by receiving a non-custodial sentence. While sentencing the convict, it is worthy to take notice that she is currently at an advanced stage of her pregnancy to give birth to the second child to her marriage. That to me under the paramount principle of the best interest of the child constitutes substantial and compelling circumstances to place the convict under the three (3) year period non-custodial sentence to be supervised by the Probation Officer.

It is so ordered.

DATED, SIGNED AND DELIVERED AT MALINDI THIS 30TH DAY OF JULY 2021

.....

R. NYAKUNDI

JUDGE

IN THE PRESENCE OF

1. MR. MWANGI FOR THE STATE

2. THE ACCUSED PERSON