

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO. 61 OF 2016

REPUBLICPROSECUTOR

VERSUS

KARUMBA LONGONYEK.....ACCUSED

SENTENCE

1. Pursuant to the plea agreement dated the 2/6/2021 and filed in court on the 08/6/2021 the charge of murder was commuted to that of manslaughter to which the accused pleaded guilty and was thus convicted on own plea of guilty on the 8/6/2021.
2. For purposes of sentencing the court called for a probation officer's report which was then filed on the 19/07/2021. In that report the probation officer says that other than being remorseful for the offence, the accused is prepared to offer compensation to the family of the deceased who are equally amenable to such compensation under the Samburu traditional dispute resolution. The family of the deceased is said to have healed and is ready for reconciliation according to customs.
3. The community is ready to accept the accused into the community and to help him integrate and be available for a young but large family of two wives and ten children. Even the local administration approves of him being given a chance to re-integrate back to the community. On the basis of the interviews conducted upon diverse members of the accused's community and who are critical for his safety and integration, the report recommends a non-custodial sentence.
4. The counsel for the accused equally offered submissions urging for a non -custodial sentence while emphasizing the age of the accused at 64 years and that he is remorseful for the act leading to the offence which he blamed an intoxication.
5. The prosecution however resisted the accused being given a non -custodial sentence while stressing that the deceased only fault was to go assisting the lady who was in an altercation with the accused.
6. I have taken the report by the probation officer as well as submissions of the counsel into consideration. I have equally taken account of the fact that the accused opted to plea bargain thus saving judicial time with the additional fact that he has been in custody for a period of almost five years.
7. In meting out a sentence the court has taken into account the objects of criminal justice and the sentence policy imperative that the need to reform and reintegrate the accused into society be promoted. I have, as said before, given regard to the fact that the two families are considering reconciliation under the local customs and traditions. That is also dictated by the supreme law to be promoted and encouraged.
8. Having so proceeded, I do find that the accused deserve leniency from the court and therefore I do commit him to probation order. He shall serve a period of 2 years and be under supervision of the Probation officer Samburu County for the entire period.

DATED, SIGNED AND DELIVERED AT MERU THIS 23RD DAY OF JULY, 2021

PATRICK J.O OTIENO

JUDGE