



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MURANG'A**

**CRIMINAL CASE NO. 17 OF 2017**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**STEPHEN MANYEKI CHEGE.....1<sup>ST</sup> ACCUSED**

**ERICK CHEGE GATHONI.....2<sup>ND</sup> ACCUSED**

**SENTENCE**

1. Each of the accused persons pleaded guilty to the offence of *manslaughter* under a plea agreement recorded on 18<sup>th</sup> October 2021. The offence is a grave felony that attracts life imprisonment.

2. The deceased was a brother to the 1<sup>st</sup> accused and an uncle to the 2<sup>nd</sup> accused. On 9<sup>th</sup> April 2017, a squabble erupted between the trio and escalated into a full-blown fight. The deceased sought refuge in a neighbour's compound. The accused followed him there. In the course of the scuffle, the 1<sup>st</sup> accused delivered a fatal blow to the deceased's head using a rusty piece of metal pipe (exhibit 1). He was hospitalized but succumbed to the injuries three days later.

3. I have paid heed to the mitigation tendered by each of the accused. They are both first offenders and expressed remorse for their conduct. The 1<sup>st</sup> accused has a young family and suffers from high blood pressure. The 2<sup>nd</sup> accused is aged 27. His mother is single and used to rely on him. He also claims to be diabetic.

4. As a general rule, sentence should be commensurate to the moral blameworthiness of the offender but also guided by the *nature and gravity of crime*. The dictates of justice in this case call for a custodial sentence. I sentence each of the accused to *seven (7) years* imprisonment. The sentence shall be deemed to run from 11<sup>th</sup> April 2017, the date when they were first arrested and placed in custody.

It is so ordered.

**DATED, SIGNED AND DELIVERED AT MURANG'A THIS 19<sup>TH</sup> DAY OF OCTOBER 2021**

**KANYI KIMONDO**

**JUDGE**

**Sentence read in open court in the presence of-**

Accused.

Ms. A. Gakumu for the Republic.

Mr. S. Kirubi for the 1<sup>st</sup> accused.

Mr. M. Warima for the 2<sup>nd</sup> accused.

Ms. Dorcas Waichuhi & Ms. Susan Waiganjo, Court Assistants.