

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HIGH COURT CRIMINAL CASE NO. 13 OF 2018

REPUBLIC.....PROSECUTION

-VERSUS-

JACKSON MWANIA NGWILI.....ACCUSED

RULING ON SENTENCE

1. **Jackson Mwanja Ngwili** was charged with murder contrary to section 203 as read with section 204 of the Penal Code. After a full hearing the charge was reduced to manslaughter contrary to section 202 as read with section 205 of the Penal Code of which he was convicted.
2. In his mitigation, the accused through Mr. Hassan for Mr. Mathenge told the court he was remorseful for his actions and prayed for leniency. That he has a young family and takes care of his ailing brother.
3. A pre-sentencing report dated 23rd July 2020 was filed on 24th July 2020 by the county probation officer. The report confirms that he is married with one child aged ten (10) years. The accused has no previous conviction and he lives well with people at home. The village elder and assistant chief confirm not having received any complaint against him.
4. It is also observed that since his release on bond on 13th November 2018 the accused has faithfully attended court.
5. I have considered the circumstances under which the offence was committed. It was as a result of jealousy when the accused realized that his former wife had gotten a new lover.
6. The pre-sentencing report shows that the two families have sat down, discussed and agreed on a formula for compensation. Accused is a young man aged 35 years. He needs time to build his life and he is not a threat to anyone. He was in custody for about six (6) months before his release on bond.
7. After considering all the above, I sentence him to three (3) years' probation. The conditions attached to a probation order are explained to him. He must also ensure he honours his pledge on compensation to the deceased's family.

Right of appeal explained.

Orders accordingly.

Delivered, signed & dated this 22nd day of September 2020, in open court at Makueni.

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H. I. Ong'udi

Judge