

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HIGH COURT CRIMINAL CASE NO. 20 OF 2018

REPUBLIC.....PROSECUTION

-VERSUS-

KIOKO NZUVI NG'ONYO.....ACCUSED

RULING ON SENTENCE

1. **Kioko Nzuvi Ng'onyo** the accused was initially charged with murder contrary to section 203 as read with section 204 of the Penal Code. After a full hearing, the same was eventually reduced to manslaughter contrary to section 202 as read with section 205 of the Penal Code of which the accused was convicted.
2. From the mitigation by Mr. Hassan for Mr. Mathenge, the accused who is aged 45 years is remorseful for what he did and he has a family he takes care of.
3. The pre-sentencing report dated 21st July 2020 was filed on 23rd July 2020. The report shows that the accused is a known alcoholic brewer in the village. His wife also does the same and was released from prison in April 2020 after serving a three (3) year jail term.
4. This incident occurred at a market centre and inspite of the crowd present, the accused continued hitting the deceased, who suffered several fractures with a severe head injury.
5. The offence was committed on 22nd December 2012 and the accused disappeared. He was later arrested after several years for a different offence and arraigned in court on 10th September 2018. He has been in custody since then i.e. two (2) years.
6. I have taken into account all the circumstances of the case and his period in custody and the pre-sentencing report. I sentence him to six (6) years imprisonment.

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