

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAROK

CRIMINAL CASE NO. 40 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

SAMUEL KENINI KEIWUA.....ACCUSED

JUDGEMENT ON SENTENCE

1. The accused was convicted on his own plea of guilty to manslaughter.
2. The issue before me is one of assessing the appropriate sentence.
3. Mr. Kilele, counsel for the accused urged the following matters in mitigation. Accused is 20 years old. He is herdsman for the family livestock with no formal education. He is 1st offender and is remorseful.
4. This offence was committed over a fight over grazing rights and the fight took place on the land of the accused. The fighting involved members of the deceased and that of the accused.
5. Furthermore, the accused supports his ailing mother, who has psychiatric challenges. Mr. Kilele urged the court to take into account that there is an on-going process of reconciliation, which has been initiated by the family of the accused. This process will take up to 3 years. Accused has been on bail since 2017.
6. Ms. Torosi, counsel for the Republic informed the court that the accused is a first offender. She confirmed that that there is an on-going process of reconciliation
7. I have considered the probation officer's report, which is very favourable to the accused.
8. After taking into account the mitigating and aggravating factors, I do not find that the accused is not suitable for a non-custodial sentence.
9. The upshot is that the accused is hereby sentenced to four years' imprisonment.

Judgment signed, dated and delivered at Narok this 28th day of October, 2020 in the presence of Ms. Torosi for the Republic and Mr. Tanyasis holding brief for Mr. Kilele for the accused.

J. M. BWONWONG'A.

J U D G E

28/10/2020