

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCRC. NO. 62 OF 2017

FORMERLY MACHAKOS HIGH COURT HCCRC. NO. 15 OF 2016

REPUBLIC.....PROSECUTION

-VERSUS-

AMM.....ACCUSED

RULING ON SENTENCING

1. The accused was charged with the offence of murder on **31st March 2016**. The offence was committed on **18th March 2016** and he was first arraigned in court on **31st March 2016**.
2. After a successful plea bargain, the charge was reduced to manslaughter on **17th July, 2019** and he was convicted.
3. A pre-sentence report was filed on **30th July 2019** as directed by the court. From the report the accused's family which is the same as the deceased's family has no problem with his return home.
4. This court has also had a session in open court with the accused's father and brother who have assured the court of their unconditional forgiveness to the accused person.
5. The pre-sentence report shows that the accused suffers from epilepsy and was placed on medication. He however failed to observe the medical advice given to him by indulging in alcohol, bhang and muguka.
6. His stay in prison has exposed him to a lot of training which his family hopes will assist him resettle and live well with others.
7. Following the positive report and the promises given to the court by the accused's father and brother, this court has found it fit to place the accused on probation.

Order

1. He will serve three (3) years on probation for monitoring and counselling. The conditions are hereby clearly spelt out to the accused.

DELIVERED, SIGNED AND DATED THIS 5TH DAY OF AUGUST, 2019 IN OPEN COURT AT MAKUENI.

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H. I ONG'UDI

JUDGE