



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MAKUENI**

**HCCRC NO. 170 OF 2017**

**FORMERLY MACHAKOS HCCRC NO. 18 OF 2015**

**REPUBLIC.....PROSECUTION**

**-VERSUS-**

**KIPI LI KATANA KYENGO.....ACCUSED**

**RULING ON SENTENCING**

1. **Kipili Katana Kyengo** was charged with the offence of murder contrary to Section 203 as read with Section 204 Penal Code.
2. After a plea bargain was agreed on, the charge was reduced to manslaughter contrary to Section 202 as read with Section 205 Penal Code. He pleaded guilty and was convicted on the same. The deceased was one **Aseka Maina Khainga**.
3. After hearing his mitigation, the court called for a pre-sentence report which was filed on **30/7/2019**. The accused and deceased were employees of one **Jeremiah Kitungele**. When the incident occurred both were operating under the influence of drink.
4. The social inquiry report shows that the community and family speak well of the accused. The report by the county probation officer is therefore favourable.
5. I note that the accused was first arraigned in court on **11/3/2015**. He has been behind bars for four (4) years five (5) months. He has picked lessons here and there from his stay at the prison.
6. Since his report is favourable, I find it reasonable to give him an opportunity to be reconciled with his family and the community. The parents of the deceased are both deceased. The accused has been known to abuse alcohol and this court warns him against that habit.
7. The accused is hereby placed on probation for three (3) years for counselling and guidance. The condition to this kind of sentence is fully explained to the accused.

Orders accordingly.

**DELIVERED, SIGNED & DATED THIS 6<sup>TH</sup> DAY OF AUGUST 2019, IN OPEN COURT AT MAKUENI.**

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**H. I. ONG'UDI**

**JUDGE**