

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HCCR NO. 28 OF 2017

FORMERLY MACHAKOS HCCRC. NO. 83 OF 2015

REPUBLIC.....PROSECUTION

VERSUS

STEPHEN MUSYOKI MWOLOLO.....ACCUSED

RULING ON SENTENCE

1. **Stephen Musyoki Mwololo** the accused herein, was initially charged with the offence of murder contrary to Section 203 as read with Section 204 Penal Code. The charge was later reduced to manslaughter contrary to Section 202 as read with Section 205 Penal Code after a plea bargain agreement. The particulars were that the accused on 8th day of November 2015 at Kathongo sub location, Ndauni location in Mbooni sub county within Makueni county caused the unlawful death of **Andrew Mwololo Muindi**.

2. He pleaded guilty and was convicted on his own admission. In mitigation through counsel, he said he was remorseful as he never intended to kill the deceased. He has a young family. Mrs. Owenga learned counsel for the State said the accused was a first offender.

3. The court called for a pre-sentence report which was filed on 26th September, 2019. The report is a detailed one and it explains the relationship between the accused, his family, community and the administration.

4. The report shows that the accused has asked for forgiveness from his family. His wife of one child ran away and remarried in the same area after the accused's arrest.

5. The deceased herein was the accused's father. The accused and deceased had their own inbuilt issues which blew up on the material day. The deceased only threatened to kill the accused, who turned on him and cut him severely due to the inbuilt anger.

6. The social inquiry report is a favourable one. It says the accused relates well with family, community and administration. I have considered all these positives in favour of the accused. He was first arraigned in court on 17th November 2015 which is about four (4) years ago.

7. I sentence him to eighteen (18) months imprisonment.

Orders accordingly.

DELIVERED, SIGNED & DATED THIS 30TH DAY OF SEPTEMBER 2019, IN OPEN COURT AT MAKUENI.

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H. I. ONG'UDI

JUDGE