

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCR NO. 16 OF 2018

REPUBLIC.....PROSECUTION

-VERSUS-

NJERI MBITI MATIVO.....ACCUSED

RULING ON SENTENCE

1. The accused was initially charged with the offence of murder contrary to Section 203 as read with Section 204 Penal Code.
2. The charge was reduced to manslaughter contrary to Section 202 as read with Section 205 Penal Code on 7th August, 2019 after a plea bargain. The accused was convicted after pleading guilty to killing **Maluni Musau** un intentionally.
3. The court called for a pre-sentence report which was filed by Mr. S.M. Munyasya, the county probation officer on 4th September, 2019. The report is detailed and gives a positive back ground of the accused. The deceased was the accused's boyfriend of one year.
4. She has three children two of whom are living with relatives. The third one lives with her in prison since her time of arrest i.e. July 2018. She usually comes to court with him.
5. It is unfortunate that the deceased's family was not known to the accused's family. The accused and deceased just met at Kambu market and started cohabiting.
6. I have considered the circumstances of the offence, the period the accused has been in remand, the life her innocent children are living and the social inquiry report.
7. The accused is placed on probation for three (3) years. She is warned of the consequences of failure to observe the probation conditions. She will report to the Makueni county probation officer Mr. S.M Munyasya who will give her further directions on who and where to be reporting.

Orders accordingly.

DELIVERED, SIGNED & DATED THIS 27TH DAY OF SEPTEMBER 2019, IN OPEN COURT AT MAKUENI.

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H. I. ONG'UDI

JUDGE