

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MIGORI

[Coram: A. C. Mrima, J.]

CRIMINAL CASE NO. 13 OF 2018

REPUBLICPROSECUTOR

VERSUS

WILSON WAMBURA MAIRO.....ACCUSED

SENTENCE

1. The Accused person herein was formally charged with the information of murder and after a trial he was found guilty and convicted of the offence of manslaughter on 08/11/2019.
2. Mitigations were tendered. The Accused person prayed for a non-custodial sentence. A Pre-Sentence Report was called for and produced.
3. The prosecution was opposed to the recommendation in the Pre-Sentence Report that the Accused person is fit for a non-custodial sentence.
4. I have considered this matter carefully. The circumstances under which the accused person committed the offence were well captured in the judgment. As stated therein the cause of the attack on the deceased was sparked by the injury inflicted upon the daughter of the accused person by a son to the deceased.
5. I have considered the Pre-Sentence Report and its recommendation. Respectfully, I must differ with the circumstances under which the offence was committed as captured in the Report. I hence find the report of very minimal probative value in its entirety.
6. Whereas the incident was not planned, the accused person viciously executed it. He acted well beyond the expectations of a reasonable person when children differ. He did not even heed to the request by the deceased to sort out the matter amicably. He was on a revenge mission as he was of the view that the deceased despised him since he was only blessed with daughters.
7. I have considered the mitigations put forth by the accused person. I am also alive to the fact that the deceased left behind a family without a breadwinner, a seriously maimed wife and an assaulted daughter.
8. By taking into account the principles of sentencing and the circumstances of the case, I hereby sentence the accused person to 15 (Fifteen) years' imprisonment.

It is so ordered.

DELIVERED, DATED and SIGNED at MIGORI this 28th day of November 2019

A. C. MRIMA

JUDGE