



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MAKUENI
HCCRC NO.15 OF 2018

REPUBLIC.....PROSECUTION

-VERSUS-

JOHNSTONE MUTUA JOHN *alias* KITAIRESPONDENT

RULING ON SENTENCE

1. **Johnstone Mutua John *aka* Kitai** the accused herein was initially charged with murder of **Martin Mwololo Josphat *alias* Matrix** contrary to section 203 as read with section 204 of the Penal Code. The charge was later reduced to manslaughter contrary to section 202 as read with section 205 of the Penal Code after a plea bargain agreement.
2. This offence took place at night in a social place on 4th May 2018. The record shows that the accused is a first offender. The court called for a pre-sentence report which was filed on 17th December, 2019.
3. The report shows the progress the accused has made since being released on bond in August, 2019. The owner of Miami club (Francis Kimanthi) initiated a reconciliation process between the families of the accused and the deceased which is progressing well.
4. Reports from the church, administration, family on the accused are quite positive. The various sectors appear ready to receive the accused back into the community and at home.
5. The accused appears remorseful and should therefore be given a chance to recollect and reconnect himself to the family and community.
6. **I therefore place him on probation for three (3) years.**
 - i. **The county probation officer should make a follow up and ensure the accused fulfils his promise to the deceased's family.**
 - ii. **The conditions attached to probation are duly explained to the accused.**

Orders accordingly.

Delivered, signed & dated this 20th day of December 2019, in open court at Makueni.

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H. I. Ong'udi

Judge