



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT GARISSA

CRIMINAL CASE NO. 24 OF 2014

REPUBLIC.....PROSECUTOR

V E R S U S

JOHN MWINZI KINYIRI.....1ST ACCUSED

MUGAO KINYIRI.....2ND ACCUSED

ERIC MULUNGYE KINYIRI.....3RD ACCUSED

ERASTUS SYENGO KINYIRI.....4TH ACCUSED

MUTATI KINYIRI.....5TH ACCUSED

MULIWA KINYIRI.....6TH ACCUSED

SARAH KAMUNDA MWINZI.....7TH ACCUSED

RACHAEL MWEDE MULUNGYE.....8TH ACCUSED

PURITY MAKASI KINYIRI.....9TH ACCUSED

ANASTASIA MUTHONI KINYIRI.....10TH ACCUSED

SENTENCE

I have considered the mitigation and aggravating factors in this case. The accused persons are close relatives of the deceased. They have no record of previous convictions. Some of the initially accused persons were acquitted.

Mr. Ngala Mulonzya the counsel for the accused has made passionate mitigation for all the five (5) convicted accused persons. He pleaded for mercy. He said one of them Muliwa Kinyiri was old and a step mother of the deceased. He also said the other four convicted accused regretted fighting with and killing their step brother due to a dispute on land inheritance, that they are not old people and have family responsibilities.

Two people were killed in this matter. There is no indication that Muliwa Kinyiri was involved in the fight on Ruth Kanini Kinyiri. She was convicted of assault of Japhet Kinyiri and appears to have run away after she was hit by him. I will discharge her, but warn her to be of good conduct and a role model to her offspring.

As for the four others convicted of manslaughter, I appreciate that this case started in 2014 which is about four (4) years now. They however unlawfully killed two people. I sentence each to serve five (5) years imprisonment on each of the two counts, as they used unnecessary force against the two deceased persons.

To conclude, I discharge Muliwa Kinyiri. As for the other four (4) convicted for manslaughter, they will serve five (5) years imprisonment on each of the two counts. Sentences to run concurrently. Right of appeal explained.

Dated and delivered at Garissa this 26th November, 2018.

GEORGE DULU

JUDGE