

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI

CRIMINAL CASE NO. 47 OF 2015

LESIT, J.

REPUBLICPROSECUTOR

VERSUS

JOHN OKETCHACCUSED

SENTENCE

1. The accused was convicted of manslaughter contrary to **section 202** as read with **section 205** of the **Penal Code**.
2. The person convicted for this offence is liable to an imprisonment term of life imprisonment.
3. I have considered that the accused has been treated as a first offender, and is a young man.
4. I have considered mitigation given by counsel on his behalf. I have considered that accused is remorseful for the offence. I have also considered his personal circumstances that he has an aged mother who was dependent on him and who has been left with his child to take care of after accused wife left.
5. I have considered that the accused has been in custody throughout his trial since 15th May 2015, a period of one year and 10 months.
6. I have considered the circumstances of the offence. The deceased was in a foul mood and was the reason why the fight through which he was injured broke out. The accused was defending himself but overdid it by causing deceased two fatal injuries, one to the head and the other a stab wound to the abdomen.
7. Having considered all these circumstances, I find that an imprisonment term is called for. I will sentence accused to four years imprisonment. He has a right of appeal against the conviction and sentence within 14 days from today.

DATED AND DELIVERED AT NAIROBI THIS 28TH MARCH,2017.

LESIT, J.

JUDGE