

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
CRIMINAL CASE NO. 24 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

SIMON KIILU KIOKO.....ACCUSED

RULING ON SENTENCE

Simon Kiilu Kioko was tried for the offence of murder that was alleged to have occurred on the night of 21st and 22nd June 2013 at Munyu Village in Thika, Kiambu County. The victim of the offence is Elizabeth Muniyiva Muteti. This court found the offence of murder not proved beyond reasonable doubt. However, the accused was found guilty of manslaughter. He was acquitted of murder and convicted of manslaughter. Before pronouncing sentence this court called for a report from the Probation Officer. The report was filed on 16th November 2017. This ruling is in respect of the sentence.

I have read the report from the Probation Officer. It is a detailed report and it indicates that the accused is aged 60 years and recommends non-custodial sentence. I need to state that the report is not binding to the court but is meant to inform the court the family background of the accused and the nature of the accused's personality. I note that the accused still denies having committed the offence although in mitigation Mr. Amutallah for the accused mitigated that the accused was remorseful for the offence.

There are no previous records against the accused and this court will treat him as a first offender. I also noted that the accused has been in custody for close to five (5) years. I have taken into account the accused's circumstances including his poor health conditions; his being a first offender and the time he has spent in custody awaiting the determination of this case. I hereby sentence the accused to serve three years supervision by Probation Officer near his home area. He has been informed of his right to appeal within 14 days from today's date. Orders shall issue accordingly.

Delivered, dated and signed this 21st day of November 2017.

S.
Judge

N.

Mutuku