



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CRIMINAL DIVISION**

**CRIMINAL CASE NO. 34 OF 2017**

**REPUBLIC.....PROSECUTOR**

**- VERSUS -**

**BENTA ANYANGO OWUOR.....ACCUSED**

**RULING ON SENTENCE**

1. I have considered that the accused pleaded guilty to the lesser offence of **Manslaughter** contrary to **Section 202** of the **Penal Code** after a successful Plea Bargaining.
2. I have considered that she is a first offender.
3. On her own personal circumstances I have considered her age. The fact she has 2 young children one of which needs her special care due to his illness.
4. I considered that the accused is remorseful for this offence and acknowledges the seriousness of her actions especially the loss of life.
5. I have also looked at the Probation Report by Ms Alambo Probation Officer. It is a well-balanced report with a Home Report, a victim impact Report and accused attitude towards the offence. I noted the support the family of the victim have continued to give to the accused, especially allowing her back to their family after the loss of their kin.
6. That is very important as it shows that they have forgiven the accused for causing their kin's death and their willingness to continue assisting her and the children of their late kin is commendable. It also shows that they have come to terms with the death of the deceased.
7. To give healing and mending of relationships a chance, and having considered the circumstances of the incident leading to death, I find the accused suitable for a Probation Sentence.
8. The accused has confirmed that she is willing to serve a Probation term. I have warned her that she is not being set free but she will be serving a sentence. She is required to:

- (1) Be of good behavior.
- (2) Avoid persons of questionable character and bad behavior.
- (3) Keep away from drug substances, illicit brew and such like substances which affect mood and

behavior of a person.

(4) Obey the instructions and requirements given to her by the Supervising Officer.

(5) Attend Guidance, Counselling and Anger management which the Probation Department will organize for her.

(6) Live at her marital home and fend for her family.

9. The accused is warned that if she breaches any of these conditions, she will be brought back to this court and that an alternative sentence may be imposed against her.

10. Accused is sentenced to serve a Probation Term of 3 years.

**DATED, SIGNED AND DELIVERED THIS 18<sup>TH</sup> DAY OF DECEMBER, 2017.**

**LESIIT J**

**JUDGE**