



**REPUBLIC OF KENYA.**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA.**

**CRIMINAL CASE NO. 26 OF 2012.**

**REPUBLIC ::::::::::::::::::::::::::::::::::::::: PROSECUTOR.**

**VERSUS**

**CHRISANDOS WIYALA ::::::::::::::::::::::::::::::::::::::: ACCUSED.**

**SENTENCE.**

1. I have considered the mitigation put forth by the accused person, who said that he is remorseful and has learnt the value of freedom after being in remand since July, 2012. He prays for leniency.
2. In line with the Judiciary sentencing policy guidelines launched by the Honourable Chief Justice on 25<sup>th</sup> January, 2016, I take into account that the accused person has been in custody for 3 years and 8 months as his case was being heard. I also take into account that the maximum sentence for the offence of manslaughter is life imprisonment.
3. Inasmuch as the accused person is remorseful for the offence he committed, the court cannot overlook the gravity of the offence in that the deceased died as a result of violence meted out to her by the accused person.
4. In the circumstances, this court is of the view that a deterrent sentence is called for.
5. I therefore sentence the accused person to serve five (5) years imprisonment.
6. The accused person has the right to appeal within 14 days.

**DELIVERED, DATED and SIGNED at KAKAMEGA in open court on this 18<sup>TH</sup> day of FEBRUARY , 2016.**

**NJOKI MWANGI**

**JUDGE.**

**In the presence of:-**

..... **for the accused.**

..... **for the Office of the DPP.**

..... **Court Assistant.**