



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 102 OF 2012**

**REPUBLIC ..... PROSECUTOR**

**VERSUS**

**MOHAMMED UME ADO..... ACCUSED**

**SENTENCE**

1. The accused **Mohammed Ume Ado** is charged with murder contrary to section 203 as read with Section 204 of the Penal code. The particulars of the offence are that on 2<sup>nd</sup> December 2012 at about 6a.m. while at Mirangi Lodge, Eastleigh within Nairobi County murdered **Yasmin Ali Godo**.

2. After trial the court found that the offence of murder had not been proved and convicted the accused of the lesser offence of manslaughter contrary to section 202 of the Penal Code. The judgment was delivered on 30<sup>th</sup> May, 2016.

3. In mitigation, Mr. Kaingu for the accused told the court that the accused was remorseful for the regrettable outcome of the fight with the deceased who was his girlfriend. He submitted that the accused was an orphan and his younger siblings were dependent on him. He urged the court to consider the fact that the accused was a young man who had learnt his lesson. Finally, Mr. Kaingu prayed for a lenient sentence to allow the accused make use of his youth outside prison.

4. On her part, Ms. Mbevi for the prosecution submitted that the accused may be treated as a first offender.

5. I have considered the mitigation. I have also considered the circumstances of the offence. The accused and deceased were living together as a young couple. I take it from the evidence tendered in the trial, that they were lovers. On the fateful day, they fought in the corridor of the Lodge and continued their fight in the room. I did not find any aggravating circumstances. I also consider that the accused has been in custody for close to four years now. While loss of life is not to be taken lightly, I do not consider a lengthy custodial sentence appropriate in the circumstances of this case. The accused shall serve seven (6) years' imprisonment.

Sentence dated and delivered at Nairobi this 29<sup>th</sup> day of September, 2016.

**R.A. LAGAT-KORIR**

**JUDGE**

In the presence of:

..... Court clerk

..... Accused

..... For the accused

..... For the State