



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
CRIMINAL CASE NO. 27 OF 2013

LESIT, J.

REPUBLIC.....PROSECUTION

VERSUS

PETER MAINA KANGARA..... ACCUSED

RULING ON SENTENCE

1. The accused was convicted of manslaughter contrary to **section 202** of the **Penal Code**.
2. The accused was arraigned in court on 27th November 2013 with one charge of murder contrary to **section 203** of the **Penal Code**. In a ruling dated 25th June 2014 the court granted the accused bond with terms which he was able to post on 20th January 2016.
3. I have considered that the accused was held in custody for a period of 2 years and 2 months before his release on bond.
4. I have also considered that the accused is a young man of 24 years old which means that at the time he committed this offence he was 21 years old.
5. I have considered the mitigation given by the defence counsel on accused's behalf:
 - (a) That the accused is remorseful for the offence;
 - (b) That he had no intention to cause deceased death;
 - (c) That at time of offence he was 20 years old;
 - (d) That accused has reformed;
 - (e) That accused has established a Barber shop in Nakuru where he is rebuilding his life.
6. The prosecution urged the court to treat the accused as a first offender.
7. The court called for a Probation Officers Report on the accused and the family of deceased as to the personal profile of accused, his attitude towards the offence and the victim impact statement from

deceased family. The Report was filed and I have considered it.

8. I noted from this Report, which is highly commendable by this court that the Probation Officer interviewed the two families of the accused and deceased together. I noted which is also highly commendable that the family of accused expressed remorse to family of deceased for the tragedy of the loss of their loved one.

9. I noted also that both families came to a common stand that the incident was a tragedy, that both accused and deceased were good friends and that both families have no reservation on accused being released on a non-custodial sentence.

10. On accused part, the court is satisfied that he is remorseful for the offence. He has extended an olive branch to members of deceased family by seeking forgiveness from them soon after the incident, which it appears the family of deceased have obliged him.

11. The Probation Officer has recommended accused to be placed on probation and to undergo guidance and counselling.

12. The accused has expressed willingness to serve a probation term. Consequently, I sentence accused to a three (3) year probation term.

13. The accused is warned that during this period;

(i) He should be of good behaviour and not be involved with persons of dubious or bad character.

(ii) He should not be arrested for any other criminal offence.

(iii) He should be submissive to the Probation Officer supervising him.

14. The Probation Department should organize for Guidance and Counselling sessions for the accused which he must attend.

15. Accused warned if he fails to adhere to the conditions attached to his release on Probation, he may be arrested and returned to this court for an alternative sentence.

16. The accused has a Right of Appeal against both the conviction and sentence.

READ, DATED, SIGNED AND DELIVERED AT NAIROBI THIS 14th DECEMBER, 2016.

LESIIT, J.

JUDGE.