

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO.103 OF 2013

REPUBLIC

VERSUS

ELIJAH MATAGARO MORANGA - ACCUSED

SENTENCE

1. The accused person, **Elijah Matagarro Moranga** was charged with the offence of **Manslaughter** contrary to **Section 202** as read with **205 of the Penal Code**. He pleaded guilty in a plea agreement process.

The court called for the Probation Report for the purpose of sentencing. The report was filed on 9th July 2015.

2. The accused is aged 34 years. He has been in remand since 26th September 2013 – about two years. He is married and has two children and a wife.

He is remorseful to what happened. It was not intentional. He suffers from epilepsy. The victim's family is not averse to his being released to serve on non-custodial sentence under the supervision of the Probation Officer for some time to come.

3. Accordingly, the accused person is hereby released to serve two years of non-custodial sentence under the supervision of the Probation Officer of the area.
4. It is so ordered.

Dated, signed and delivered in open court this 31st day of July 2015

HON. C. B. NAGILLAH

JUDGE

In the presence of:

- Sepele for the State
- M/S Mogire holding brief for M/S Ondari for the accused
- Samuel Omuga: court clerk