



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO.73 OF 2011**

**STATE**

**VERSUS**

**ANDREW NYABUTO NOAH.....ACCUSED**

**SENTENCING**

1. The accused person herein, **Andrew Nyabuto Noah**, was convicted of the offence of **manslaughter** with which he was charged contrary to **Section 202** as read with **Section 205 of the Penal Code**. The particulars thereof are that on 30<sup>th</sup> day of July 2011 at Bosoti sub-location in Kenyanya District within Kisii County unlawfully caused the death of Noah Nyabuto Onkundi.
2. The accused beat the deceased simply because the deceased was opposed to the accused marrying the woman he was co-habiting with.
3. The accused has no record of previous conviction. He is therefore treated as a first offender. In mitigation by his counsel, Moracha the accused is remorseful. He is 24 years old. Has one child. He has been in remand for 4 years.
4. Accordingly, I sentence him to two years of non- custodial sentence to be supervised by the Probation Officer of his area.
5. It is so ordered.

**Dated, signed and delivered this 31<sup>st</sup> day of July 2015 at Kisii**

**HON. C. B. NAGILLAH**

**JUDGE**

**In the presence of:**

Sepele for State

M/S Moseki holding brief for M/S Mogire for accused

Samuel Omuga: Court clerk