



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 3 OF 2014

REPUBLIC-----PROSECUTOR

VS.

E K M-----ACCUSED

RULING ON SENTENCE

The subject herein is aged 17 years old.

- At the time of commission of this offence he was aged 16 years old.
- He was initially charged with the offence of **Murder Contrary to Section 203 as read with Section 204 Penal Code.**
- The same has been reduced to **Manslaughter Contrary to Section 202** as read with **Section 205 of the Penal Code** after a plea bargaining arrangement.
- The subject is the younger brother of the deceased. The circumstances leading to the commission of the offence clearly show that their mother may have been the victim as the deceased was armed with the knife ready to strike her.
- The subject acted in order to protect their mother but it turned out to be fatal.
- The subject is still young and needs support to pursue his studies and to become a responsible person in future.
- I will in the circumstances, discharge him under **Section 35(1) Penal Code** on condition that he remains of good behaviour and under the direct supervision of his mother for the next 3 years.
- Conditions well explained.

Dated, Signed and Delivered in Open Court this 23rd day of July 2015.

H.I. ONG'UDI

JUDGE.

In the Presence of:

M/s Kivali for state.

Mr. Mutai for subject.

Hillary/Robert – Court Assistants.

Subject – Present.