



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL CASE NO.64 OF 2013

REPUBLIC

VERSUS

FRANCIS OMBUNA OCHOI - ACCUSED

SENTENCING

1. The accused person, **Francis Ombuna Ochoi** was charged with the offence of **manslaughter contrary to Section 202 as read with Section 205 of the Penal Code**. He pleaded guilty in a plea, agreement process on 24th June 2015. The particulars were that on the 14th May 2013 at Nyamwane village within Kisii County in the Republic of Kenya he unlawfully caused the death of **Starford Ombuna**. He has pleaded guilty to this offence.
2. The court called for the Probation Report to facilitate an appropriate sentence to the accused person.
3. However, as at the time of writing this, report has not been filed. Nevertheless the court will proceed as it must, to exercise its judicial discretion to mete out an appropriate sentence in the circumstance.
4. In mitigation, it came out that:
 - i. **The accused is a young person of 30 years and has two children.**
 - ii. **His action on material day was not intentional.**
 - iii. **He was drunk and this influenced his subsequent actions.**
 - iv. **He prays for non-custodial sentence.**
5. 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.
6. 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 Sagwe for the Accused
- Samuel Omuga: court clerk