



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 68 OF 2014**

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**GKKB.....ACCUSED**

**SENTENCE**

1. The accused person herein **GKKB**, was initially charged with the offence of murder contrary to **Section 203 as read with Section 204 of the Penal Code**.
2. By a plea bargain agreement entered into on the 23<sup>rd</sup> July 2015 between the accused person and the state, the said charge was reduced to manslaughter contrary to **Section 202 as read with Section 205 of the Penal Code**.
3. The particulars of the charge were that on 7<sup>th</sup> June 2014 in Transmara East District within Narok County in the Republic of Kenya unlawfully caused the death of **RKK**.
4. The accused person pleaded guilty to the said charge and was consequently convicted on his own plea of guilty.
5. The facts leading to the commission of the offence pleaded to were that on 7<sup>th</sup> June 2014, the deceased and the accused together with other youths attended a meeting at a church elder's home and after the close of the meeting at about 11.00 p.m, the youths left the elders home. While on the road to their respective homes, an argument arose between the deceased and the accused which degenerated into a physical confrontation that led to the accused hitting the deceased with a rungu on the head. The deceased bled profusely and was rushed to hospital where he died while undergoing treatment.
6. A post mortem report produced in court as exhibit 1 disclosed the cause of death as extra-dural haemorrhage and cardio-pulmonary arrest secondary to mid-blunt force trauma.
7. In mitigation, Mr. Okenye, counsel for the accused submitted that the accused was a minor aged 17 years and was only 16 years at the time of the offence. He added that the accused was remorseful as he never intended to kill the deceased. Mr. Okenye pleaded for leniency on behalf of the accused who had been in custody for over one year.
8. A pre-sentence and victim impact report revealed that the accused was indeed a minor and the deceased was his own brother in-law. The report further states that both the families of the deceased and the accused, together with the community in general had forgiven him and were ready to accept him back to their midst. The Probation Officer was of the view that a non-custodial sentence would be favourable as it

would facilitate the reconciliation process.

9. I have considered the circumstances under which the offence was committed and the age of the subject. The accused is a young person who can still reform and be useful to the society. The one year period he has been in custody is adequate lesson to him that crime and violence does not pay.

10. Accordingly, I sentence the accused person herein **GKKB** to one (1) year non-custodial sentence during which he will be supervised by the Probation Officer of his area.

11. It is so ordered.

**Signed, Dated and Delivered** on this **28<sup>th</sup> day of October, 2015.**

**HON. W. A. OKWANY**

**JUDGE**

**In the Presence of:**

- Mr. Boyon for the State
- Mr. Okenye for the Accused
- Omuga: Court clerk