



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO.42 OF 2014

REPUBLIC

VERSUS

RICHARD BICHAGE OKUMU..... ACCUSED

SENTENCE

1. The accused herein **RICHARD BICHAGE OKUMU** was initially charged with the offence of **Murder** which was by a plea bargain agreement entered into on 14th July 2015 reduced to **Manslaughter**.

The particulars of the charge are that on 22nd March 2014 at Masurura Trading Centre in Transmara District of Narok County, unlawfully caused the death of **JANE MOKEIRA MATOKE**.

2. The accused pleaded guilty to the lesser charge of manslaughter and was accordingly convicted of the said charge.

3. The accused and the deceased were husband and wife respectively.

4. The incident took place at a trading centre where a fight broke out between the accused and some men who were in the company of the deceased and in the course of the fight, the accused slashed his wife twice with a sword that he had grabbed from one of his attackers. The deceased succumbed to her injuries in hospital 5 days after the attack.

5. In mitigation, Mr. Momanyi counsel for the accused submitted that the accused and deceased were married and had 4 children aged between 20 years and 9 years. The children were still school going and following the death of the deceased, the accused was the only remaining parent who could fend for the young children.

6. Mr. Momanyi added that the accused acted in self defence after he was attacked by the deceased while in the company of the seven men.

7. The Probation Officers report filed on the 8th October 2015 favoured the release of the accused on a non-custodial sentence as the offender was remorseful, had a young family to take care of and his family was ready to accept him back home.

8. I have given due consideration to the circumstances under which the offence was committed. I have also noted that the accused acted purely on self defence after he was attacked by the deceased and her companions.

9. Accordingly, I sentence the accused herein to **1 year non-custodial sentence** during which period he will be under the supervision of the Probation Officer of his area.

10. It is so ordered.

Dated, signed and delivered in open court this 26th day of October, 2015

HON. W. OKWANY

JUDGE

In the presence of:

Mr. Boiyon for the State

Mr. Kaburi for the Accused

Mr. Omuga: court clerk