



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 04 OF 2013

REPUBLICPROSECUTOR

VERSUS

SARAH KERUBO.....ACCUSED

SENTENCE

1. The accused person herein **SARAH KERUBO**, 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 16th 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 13th January 2013 at Olmotonyi area in Transmara District within Narok County in the Republic of Kenya unlawfully caused the death of **DANIEL NYAMBOGA**.
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 13th January 2013, the deceased and the accused, who were husband and wife engaged in a quarrel that degenerated into a physical confrontation in which the accused took a panga and cut the deceased on the head, legs and hand thereby injuring him fatally.
6. A post mortem examination conducted on the body of the deceased determined the cause of death to be severe head injury due to assault.
7. In mitigation, Miss. Sagwa, counsel for the accused submitted that the accused was remorseful and sought for leniency as she had 4 young children to take care of.
8. The probation officer in his pre-sentence and victim impact report, recommended a non-custodial sentence for the accused to enable her take care of her children who are in her absence, under the care of the accused's elderly parents. The probation officer noted that the victim's family was still a bitter lot but that could not hinder the accused's release because, she would upon her release, go

back to her parent's home which is very far from her matrimonial home.

9. I have taken into account the circumstances under which the accused killed her own husband. The excessive force used by the accused was not justifiable and can be attributed to the total breakdown in family values and lack of respect for human life. I however note that the accused has 4 young children to care for.

10. Accordingly I sentence the accused person herein **SARAH KERUBO** to two (2) **years non-custodial sentence** during which period, he will be supervised by the Probation Officer of her area.

11. It is so ordered.

Signed, Dated and Delivered on this 26th day of October, 2015.

HON. W. A. OKWANY

JUDGE

In the Presence of:

Mr. Boiyon for the State

Mr. Kaburi for Sagwe for the Accused

Omuga:

court clerk