

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO.133 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

BENARD ISABOKE KERAGIA.....1ST ACCUSED

PATRICK ONDIEKI ONG'ANG'A.....2ND ACCUSED

SENTENCE

1. The 1st Accused herein **BENARD ISABOKE KERAGIA** was convicted of **Manslaughter** after a plea bargain agreement.

The particulars of the charge were that on 27th November 2013 at Mokwerero Location in Sameta District within Kisii County within the Republic of Kenya unlawfully caused the death of **GEORGE NYANDEGA KERAGIA**.

2. The deceased in this case was the 1st accused's younger brother. The incident took place after the deceased had a quarrel with accused over the sale of family land.

3. The 1st accused is a first offender and has been in custody for 2 years while awaiting his trial.

4. The Probation Officer's pre-sentencing report filed on 6th October 2015 states that the 1st accused is suitable for a non custodial sentence.

5. After due consideration of all the facts above and the mitigation by Mr. Sagwe counsel for the accused, I hereby sentence the 1st accused to 18 months Probation during which period he will be supervised by the Probation Officer of his area.

Dated, signed and delivered in open court this 17th day of November, 2015

HON. W. OKWANY

JUDGE

In the presence of:

- M/S Mbelete for the State
- M/S Sagwe for the Accused
- Mr. Ogega: Court clerk