



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 105 OF 2013**

**LESIT, J.**

**REPUBLIC ..... PROSECUTOR**

**-VERSUS -**

**JECINTA WAIRIMU NUNGARI ..... ACCUSED**

**RULING IN SENTENCE**

1. The accused person **JECINTA WAIRIMU NUNGARI** was arraigned in court on 28<sup>th</sup> October, 2013. She was released on bail on 22<sup>nd</sup> May 2014 and has been on bond until 2<sup>nd</sup> November 2015 when her judgment was read and she was remanded in custody pending the Probation Officer's Report and sentence.
2. The accused was convicted of manslaughter contrary to **section 202** of the **Penal Code** which carries a maximum sentence of life imprisonment.
3. I have considered the mitigation given by Counsel on her behalf. The accused has pleaded that she is remorseful for causing her husband's death. I have also considered that the accused has children who depend on her.
4. I have considered that the accused is being treated as a first offender.
5. The circumstances of the offence are considered. There was a misunderstanding between the accused and the deceased. They were man and wife. A fight broke out and in the process it led to the deceased death.
6. I called for a Probation Officer's Report. The Report clearly shows the accused attitude to the offence that she acted in self-defence. There is evident feelings of acrimony from the family of the deceased for the loss of their kin.
7. Most important however, is the Probation Officer's finding that the accused has been causing strife to the larger family by inciting some members of the family.
8. The Probation Officer was non-committal in his Report and left it to the court to determine the sentence to pass.

9. Having considered all these factors, I find it will be beneficial to the accused and entire family at large to serve a custodial period.

10. The offence of manslaughter carries a maximum sentence of life imprisonment.

11. The accused is sentenced to four (4) years imprisonment.

12. The accused has a Right of Appeal in 14 days' time.

**DATED AT NAIROBI THIS 15<sup>TH</sup> DAY OF DECEMBER, 2015.**

**LESIIT, J.**

**JUDGE.**