



**REPUBLIC OF KENYA**

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

**HIGH COURT Criminal No.33 Of 2015**

**REPUBLIC .....STATE**

**-VERSUS-**

**B M N .....ACCUSED**

**SENTENCING**

The accused person, **B M N** was earlier on charged with the offence of murder **Contrary to Section 203** as read with **Section 204 of the Penal Code**. However, on 22/07/2015 through the process of plea bargaining, he now pleaded to a lesser offence of manslaughter contrary to **Section 203** as read with **Section 205 of the penal Code**. The particulars thereof being that on or about the 18<sup>th</sup> September, 2013 at Omobiro village in Nyarnira North District within Nyamira County caused the death of **C M M**. The deceased was his daughter.

The accused is married with three children, after the death of the fourth one. His wife left him and went to her maiden home with the said surviving children.

Unfortunately his parents passed on. He is, however, remorseful. He pleads for leniency.

He has a brother who has been visiting in custody and is ready and willing to help him reintegrate in his community and society at large. He is a peasant farmer. He intends to continue to do the same to earn a living. On balance, he prays for non-custodial sentence to be supervised by the Probation Officer from his area.

This court, accordingly, will take into account that since his arrest after the offence of 18<sup>th</sup> September, 2013, he has been in custody far well of two years, a stint from which he has taken lessons on the fact of living harmoniously with those in society and to control his temper on chastising his children.

This court would therefore sentence the accused person to three years non-custodial sentence to be supervised by the Probation Officer of the area where he resides.

It is so ordered.

**Dated and delivered at Nyamira this 11<sup>th</sup> day of December, 2015.**

**C. B. NAGILLAH**

**JUDGE**

**In the presence of:**

Nyamwange hold brief for Sagwe for accused person

Malesi for the State

Mercy Court Clerk