



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYERI
CRIMINAL CASE NO. 25 OF 2011

REPUBLICPROSECUTOR

versus

JOSPHAT IRUNGU KARIUKI.....ACCUSED

SENTENCE

1. The accused person was initially charged with the offence of murder which he denied. The same was subsequently reduced to manslaughter after a plea bargain agreement was recorded.
2. The accused pleaded guilty to the said offence. In mitigating Mr. Njuguna for the accused submitted that a misunderstanding arose between the wives of the accused and the deceased who was his brother and that they met at family level and deliberated on the same.
3. In the evening the deceased went to the house of the accused intending to cut his wife with a panga and in defending his wife the accused hit the deceased causing his death.
4. It was submitted that the accused has been in custody for two years and four months which should be taken into account.
5. To assist the court in passing the sentence I ordered for a probation report which has now been filed. I have further noted that the deceased act of going to the house of the accused to cut his wife when the issue had been resolved was an act of provocation and disrespect of the highest order.
6. Any Sentence passed by this court must balance the accused love for and protection of his wife and the deceased act of provocation and have therefore come to conclusion that having been in custody for two years and four months I hereby sentence the accused to a further six (6) months imprisonment.

Dated, signed and delivered at Nyeri this 23rd day of May 2014.

J. WAKIAGA

JUDGE

23/5/14

Coram: Before Justice J. Wakiaga

Court clerk - Ndungu

Mr. Njuguna for the accused

Mr. Nyamache for the State

Court: Sentence read in open court in the presence of the above named.

J. WAKIAGA

JUDGE