



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 21 OF 2012**

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**C K K *alias***

**P ..... 1<sup>ST</sup> ACCUSED**

**K K ..... 2<sup>ND</sup> ACCUSED**

**RULING ON SENTENCE**

The offence herein was committed on **31<sup>st</sup> March, 2012** when Accused 1 was 16 years while Accused 2 was 14 years old. Both were charged with the offence of Murder which was later reduced to Manslaughter after a plea bargaining.

It's evident that when the offence was committed both accused were still young, while the deceased was 18 years. It confirms that even the deceased was a young adult.

The social inquiry report shows that the Community at large has no problem in receiving the accused back home. They have been described as being well behaved boys in the village. It is only the victim's family that is hostile to their return.

Considering their age as at the time of the commission of the offence the sentence of a prison term is not one of the options in this matter.

The Probation officer has suggested in her report a temporary shelter at **Kimumu Probation Hostel** subject to confirmation. I will allow her two weeks to make a follow up on availability of the vacancies. Mention on **15<sup>th</sup> December, 2014** for further orders.

**Dated, signed and delivered this 28<sup>th</sup> day of November, 2014**

**H.I. ONG'UDI**

**JUDGE**

**In the presence of :**

M/S Keli for State

M/S Bett for Onganyi for Accused

Accused

Korir – Court Assistant