



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT KISII**

**CRIMINAL CASE NO. 65 OF 2014**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JOB OMANWA NYASANI.....ACCUSED**

**SENTENCING**

1. The accused person is charged with the offence of manslaughter contrary to section 202 as read together with section 205 of the Penal Code. He pleaded guilty to the said charge and was duly convicted.

2. To enable the court to determine on the appropriate sentence, a probation report was ordered and the same has now been filed. The probation officer has indicated that the accused did not intend to kill his son, he was only chastising him as a father would to a son. Unfortunately the son succumbed to the beatings by the father. The community describe the accused as a hardworking person but abuses alcohol and this may have aggravated the situation on the material day. The officer recommends a non custodial sentence.

3. In mitigation the accused through his counsel said the accused is a young person aged 22 years. He had two children. He is now remaining with one, the younger one. He is the one to give care to this younger child together with her mother.

4. The incident was unfortunate one, in that, death occurred in the course of disciplining the child. The accused is accordingly very remorseful. He undertakes not to commit such an offence again in future.

5. In this regard taking into account that the deceased was not a biological child of the accused, that is why he meted inappropriate violence on the child, under the guise of chastising the child, the court will sentence the accused to one year imprisonment.

6. It is so ordered.

Sentencing dated and delivered at KISII this 16<sup>th</sup> day of December, 2014

**C.B. NAGILLAH,**

**JUDGE.**

**In the presence of:-**

C.A. Okenye- no in for the accused

Otieno for the state

Edwin Mongare Court clerk.