

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT EMBU

MURDER 1 OF 2013

REPUBLIC.....PROSECUTION

VERSIS

BENSON NYAGA NJAGI.....ACCUSED

RULING ON SENTENCE

The accused was initially charged with the offence of Murder contrary to Section 203 as read with Section 204 of the Penal Code. After a plea bargaining arrangement the charge was reduced to manslaughter contrary to Section 202 as read with 205 of the Penal Code. The accused was then convicted of manslaughter.

The deceased herein was the accused's mother. This court called for a social inquiry report of the accused before sentence. The same was filed in court on 17/6/2013. Its a detailed report and it confirms that the accused committed this offence after his release to serve on Community Service Order. One of the conditions of release on Community Service Order or Probation is that one does not commit an offence when the non custodial sentence is on.

Secondly the accused's action was not justified at all. The deceased who was his mother was not armed and he broke into her house to assault her.

Following the accused person's reported conduct, he is not likely to benefit from a non custodial sentence.

Order

He will serve seven (7) years imprisonment.

Right of appeal explained.

DELIVERED, DATED AND SIGNED AT EMBU THIS 19TH DAY OF JUNE 2013.

H.I. ONG'UDI

JUDGE

In the presence of:-

Ms. Ingahizu for State

Mr. Momanyi for accused

Accused

Njue CC