

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MACHAKOS
Criminal Case 22 of 2010

REPUBLIC

VERSUS

TIMOTHY KITILI SYENGO.....ACCUSED

S E N T E N C E

I have considered the circumstances of the offence. The accused was on duty as a Forest Officer. It was at night (8 p.m.). He shot in the air in the general directions of three suspects who were running away, to scare them so that they could surrender. They did not. He did not know that the bullet hit someone, or that it killed somebody. The body was found a few days later by the police.

The accused is also a first offender. The death was caused by one gunshot to the head. The accused has a family and is relatively young at about 32 years of age. He is remorseful. He has been in custody since March 2010.

Having considered all the factors regarding the offence and the mitigation of the accused, I find that the period that the accused has been in custody, which is more than 2 years now, has been sufficient punishment. I discharge the accused.

It is so ordered.

Dated and delivered this **26th** day of **July** 2012.

.....

George Dulu

Judge

In the presence of:

Nyalo – Court clerk

Mr Mwenda for State

Ms. Jakaila holding brief for Mr Mwongela for Accused

Accused present