



REPUBLIC OF KENYA

High Court at Eldoret

Criminal Case 26 of 2012

REPUBLIC.....PROSECUTOR
VERSUS

CLARA CHELIMO.....ACCUSED

RULING ON SENTENCING

The Accused entered a plea of guilty for a lesser charge of manslaughter contrary to Section 202 as read with Section 205 of the Penal Code.

The facts were read out to the Accused by Learned Counsel for the State, Mr. Kabaka whereafter the Accused stated that the facts were correct and the court proceeded to convict her on her own plea of guilty.

In mitigation the Accused pleaded that she was remorseful for the events leading to the death of the deceased.

The Accused submitted that she had sought forgiveness from the family of the deceased and had performed the customary forgiveness ritual.

The family of the deceased had accepted the Accused's request for forgiveness and the son of the deceased had sworn an Affidavit dated the 13th July, 2012 in support of this fact. The said Affidavit was produced into court and marked as “**DEXb1**”.

The Accused sought the courts leniency and Counsel for the Accused urged the court to discharge the Accused, or alternatively grant her a non-custodial sentence.

The court called for a Probation Officers Report before imposing sentence. The Report was tendered into court on the 1st October, 2012.

After perusal of the Probation Report this court finds the same to be favourable to the Accused and it also recommends that the Accused person is a suitable person to benefit from a non-custodial sentence.

The factors that favour the Accused is her age, which is 68 years and she is a first offender.

The family of the deceased has also forgiven her, have no hostility towards her and have no objection to her benefiting from a non-custodial sentence.

Taking into consideration the above factors, the Accused is hereby placed on Probation for a period of one (1) year from the date hereof.

It is so ordered.

Dated and delivered at Eldoret this 18th day of October 2012.

**A.MSHILA
JUDGE**

Coram: Before A.Mshila J
CC: Andrew
Accused:..Present.

Counsel for the State: Ruto holding brief for Chirchir.

Cheluget for Accused.
Beatrice: Nandi interpreter.

**A.MSHILA
JUDGE**