



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BUSIA

HC.CR.A NO.1 OF 2009

REPUBLIC.....PROSECUTOR

VERSUS

VINCENT OMONDI OWINO.....ACCUSED

S E N T E N C E

The accused followed his former wife who had remarried and had taken his minor child of 2 months. He wanted to recover the child whom he claimed to be his. He went armed with a rungu which he applied on the head of the deceased who had married the accused's former wife.

The deceased was taken to hospital at Busia but died as he underwent medical treatment. This means that accused had used much force to hit the deceased.

Accused had no right to go and get his claimed child using force. He has been in remand for two years and is remorseful. He prays for leniency. There is nothing he did that endears his acts to this court. He acted unlawfully all through.

This court has considered the facts and the mitigation. It has come to the conclusion that accused must serve a prison sentence of four years.

It is so ordered.

D.A. ONYANCHA

J U D G E

3/2/2011