

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT BUSIA
Murder Case 11 of 2010

REPUBLIC.....PROSECUTOR

-VERSUS-

CHRISTOPHER OKELLO SIUNDU.....ACCUSED

SENTENCE

The accused has a history of taking cannabis sativa in the village where he lived. It is also known that when he took the drug, he becomes mentally disturbed although there is no history of him having committed any breach of the law before.

On the material day, no one saw him take the drug. He was however seen disturbed as he went to look for his estranged wife at the nearest market while armed with a panga. When he missed her, he went for his child, the deceased, Clinton Okello, whom he fetched from the river where the latter had gone to get water. He took him home and a few minute later, cut the deceased on the back of the neck, instantly killing hi. There is no evidence o the child having provoked him. Nor did anyone indeed do so. It is the prosecution case that accused must have taken the cannabis before he began to behave strangely during which he unnecessarily killed his own child after becoming irrational.

Accused is a first offender who now regrets committing the offence, more so, taking away the life of his own innocent child. He has been in remand for about 3 months. He is sorry and prays for leniency.

Having considered the facts of this case and the statements in mitigation, I find this a very unfortunate case. If the accused always got disturbed after taking the cannabis sativa, he should have stopped taking

it before he did something to regret. His conduct which led to the death of his innocent child is not excusable. He will be punished for it. Others taking drugs are warned to also stop the practice before it leads into serious misconducts. Since the other two children are in fact safer with their mother the accused cannot claim that they will miss him. He will serve a prison sentence of (7) years. It is so ordered.

Dated and delivered at Busia this 23rd day of June 2010.

D.A. ONYANCHA

J U D G E