



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT BUSIA**  
**HCCR.NO.12 OF 2010**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**ERICK KIBET MAKOKHA alias TEMOI .....ACCUSED**

**SENTENCE**

The accused and deceased are brothers. They quarrelled. The cause of the quarrel arose from the deceased who talked ill of the accused. He started the fight and accused only retaliated by pushing the deceased backwards after being stabbed by deceased on the face. It unfortunately transpired that the deceased's fall backward on a chair was with greater force than anticipated. The accused's conduct does not show malice nor overreaction. He has been in remand for eight months. Imprisoning him for long will not teach him any new lesson since his conduct during the confrontation was not too far from being commendable.

The court will take into account the 8 months he has been in remand and will send him to prison for (8) EIGHT months from the date of his arrest. That means that is finishes his sentence the moment this court adjourns this afternoon.

Orders

accordingly.

**D.A.**  
**JUDGE**  
**13/10/2010**

**ONYANCHA**