

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT BUSIA

Criminal Application 13 of 2010

REPUBLICPROSECUTOR

VERSUS

NIKONORY WAKAKA MAKUTO.....ACCUSED

SENTENCE

The accused on the material day came home while drunk and picked a quarrel with his wife. There is evidence that they used to quarrel and fight. There is evidence that the deceased was nursing some sickness and her spleen was grossly enlarged. There is no evidence that the accused beat her much or how and where he beat her. Medical evidence shows that the death of the deceased which occurred the same night was triggered somehow by the trauma caused by accused's beatings. The physical injuries found by the medical examination are not severe. It is not clear accordingly how the beatings triggered the deceased's death. One way or the other however the beatings did lead to the deceased's death.

The accused is about 35 years old and is remorseful. He has two young children who need his protection. It is unfortunate that when he drinks he becomes belligerent. It is hoped that his stay in prison will have taught him some useful lesson in life – that drinks do not add much value to his life. He can therefore drop drinking completely and start going to church without delay.

Taking all the above into account the court sends him to jail for (7) seven months.

Orders accordingly.

D.A. ONYANCHA

JUDGE

13/10/2010