



REPUBLIC.....PROSECUTO

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VERSES

1.FREDRICK WESONGA MAKOKHA

2.SILAS WANJALA OUMA

3.MOSES OUMA OBOTE.....ACCUSED

SENTENCE

The three Accused are brothers and a cousin.They beat a drunken father–uncle inflicting serious injuries . This arose from a report from the 3<sup>rd</sup> accused’s wife who alleged that deceased, her father-in-law tried to rape her. On being confronted with the allegation by the accused,the deceased who was too drunk,instead started to beat one of them with a stick. No serious injury was inflicted on any of the accused as such would have being shown.It is likely the accused were angered by the deceased s conduct, It is also likely that the accused may have been provoked to beat the deceased.But to beat him so brutally that he died out of the injuries using almost unnecessary force. Furher more, to leave him alone to die,almost confirms unlawfully intention. However,the deceased started it all and brought his own death eventually. He however ,did not deserve to die. Accused should have avoided serious beating of their old man and raised any grievances when he would become sober.

I have considered the circumstances of this case. I have come to conclusion that this is not a case where custodial sentence can be avoided.The accused will accordingly go to jail for two (2)years having taken account of the two years in remand.

It is so ordered.

**D.A.ONYANCHA**

**JUDGE**

**12/10/2010**