



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAIROBI (NAIROBI LAW COURTS)**

**Criminal Case 66 of 2006**

**REPUBLIC.....APPLICANT**

**-VS**

**JOSEPH KARANJA NJOROGE.....DEFENDANT**

**SENTENCE**

From the record, it is apparent that the accused is a first offender. Though he was initially charged for the offence of murder, contrary to Sec. 203 as read with Sec. 204 of the Penal Code, Cap 63, Laws of Kenya, the same was reduced to manslaughter contrary to Sec. 202 as read with Sec. 205 of the Penal Code. The said offence is lesser but cognate to the original offence. The Court gave explicit reasons for the above decision. Besides the above, the court has carefully considered the mitigating factors that were submitted to it by the defence counsel. That apart, the court has also noted the fact that the accused killed his own brother after a bitter family quarrel. The same later degenerated into a fight that resulted in the death of the deceased. Obviously, the accused used excessive force and will forever live with the stigma of having killed his brother.

Taking all the factors into consideration, including the fact that the accused has been in remand for about three years, I hereby sentence him to 16 months imprisonment.

Right of appeal explained.

**MUGA APONDI**

**JUDGE**

Sentence read, signed and delivered in open court in the presence of the accused;

Mr. Kihara..... **for Defence**

Mr. Masara and Mrs. Tuta .....**State Counsel**

On this day of the Lord 29<sup>th</sup> JUNE, 2009.

**MUGA APONDI**

**JUDGE**

**29<sup>TH</sup> JUNE, 2009**