



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KAKAMEGA**

**Criminal Case 32 of 2008**

**REPUBLIC ..... PROSECUTOR**

**V E R S U S**

**JONAH KISIVU KARANI.....ACCUSED**

**S E N T E N C E**

The accused was charged with murder contrary to **section 203** as read with **section 204** of the Penal Code. The accused pleaded not guilty to the charge. The prosecution reduced the charge to manslaughter contrary to **section 205** of the Penal Code. The accused pleaded guilty to the reduced charge of manslaughter.

The particulars of the offence are that on the 17<sup>th</sup> day of July, 2008 at Mudete village, Mudete Sub-location, North Maragoli Location in Vihiga District of the Western Province, the accused unlawfully killed **GILBERT AMUVANI**.

The deceased was the accused's son. On 7<sup>th</sup> July, 2008 the accused returned home at 2.00 p.m. from Mudete market and went to his kitchen. He took a knife and started cutting meat. The deceased entered the kitchen and inquired why the accused had not prevented his daughter who is the deceased's sister the previous day from beating the deceased. Before the accused could answer, the deceased jumped on him and started fighting him. In the struggle that ensued the knife the accused was holding pieced the deceased once in the chest. The deceased ran out screaming and died outside. The accused surrendered himself to the police at Mudete Police Station. A post mortem by Dr. Odira opined that the cause of death was hemorrhage shock secondary to penetrating chest injury.

Mr. Owinyi, for the accused, in mitigation submitted that had the deceased conducted himself as a child the incident could have been avoided. The accused is remorseful. The accused is 52 years and has been in custody for one year. He has a wife and two other children and pleads for leniency.

I have considered the circumstances under which the offence was committed and also note that the accused has a family to tend to. The incident was unfortunate and a custodial sentence would not serve any purpose. The accused is hereby set free and shall be at liberty unless otherwise held.

***Delivered, dated and signed at Kakamega this 24<sup>th</sup> day of September, 2009***

**SAID J. CHITEMBWE**

**J U D G E**