

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NYERI

Criminal Case 50 of 2008

SAMWEL KARANJA MBURU ACCUSED

Versus

REPUBLIC

PROSECUTOR

RULING

The accused was charged with *manslaughter contrary to Section 202 as read with 205 of the Penal Code*. On the charge being put to him the accused pleaded guilty. The state gave the facts of this case. That on the 1st of September 2008 the accused Samuel Karanja Mburu arrived at his home at about 8.30 p.m. He was very drunk. He had lost the key to his door and he began to break down the door. This was at Naaro village within Muranga south District. His father approached him with a view to stopping him from breaking the door. The father who is the deceased in this case was called Henry Mburu Ndungu. The accused who was obviously stronger than his father threw his father down to the ground. He then lay on him and began assaulting him. Neighbours who came tried to assist the father but feared the accused because of his violent state. The accused later left his father on the ground. His father was disabled. The following day neighbours found the body of his father where he had been assaulting him. He was taken to hospital but was certified dead on arrival. The doctor in the postmortem found the cause of death to be cardiopulmonary arrest due to asphyxia secondary to strangulation. The accused confirmed the facts to be correct. The doctor had found the accused to be fit to stand trial. In mitigation his counsel stated that he was remorseful for having killed his father. He was said to be 25 years old and that the court should give him a lenient sentence because of his age. The court has considered the facts of this case and the mitigation forwarded by the accused. The accused escapade of drinking alcohol resulted in the death of his father. He was stronger than his father yet he continually assaulted him when he was on the ground. Although it was pleaded that the accused should be given a lenient sentence because of his age the offence committed was serious and the sentence should reflect that seriousness. I do hereby sentence the accused to serve a jail term of 9 years for the offence of manslaughter.

Dated and delivered this 19th Day of January 2009.

MARY KASANGO

JUDGE