



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

**Criminal Case 18 of 2006**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**ALFRED KITSAO KAZUNGU.....ACCUSED**

**SENTENCE**

Alfred Kitsao Kazungu was convicted for the lesser offence of Manslaughter on his own plea of guilty. He is now before this court for sentencing. Mr. Mulongo, learned counsel for the accused urged this court to tender a lenient sentence against the accused because he was remorseful. The learned advocate also pointed out that the accused has been in custody for a long time which should be taken into consideration. It is also stated that the accused left behind young children who needed his care. Mr. Monda, learned Senior State Counsel informed this court that the accused was a first offender.

I have considered the mitigating factors enumerated by Mr. Mulongo, learned advocate for the accused. I have also taken into account the fact that the accused is a first offender. The chronology of events leading to the commission of the offence appear to be sad. The deceased was found performing some rituals on the body of wife (now deceased) of the accused. The accused had made frantic efforts to save the life of his wife and when he came back he found his wife had passed on. He went to inform his relatives of the news of the demise of his wife. Upon coming back he found the deceased performing rituals which the accused construed to be acts of witchcraft. I am convinced that the accused acted on the spur of the moment. He did not plan to kill the deceased. He acted unreasonably because of the effects of the loss of his loved one. The accused has been in custody for over three years. In the circumstances of this case the court will be sympathetic to the accused. I sentence him to serve six (6) months imprisonment to enable take time reflect on his past and future life.

**Dated and delivered at Mombasa this 31<sup>st</sup> day of July 2008.**

**J. K. SERGON**

**J U D G E**

In open court in the presence of Mr. Monda for the state and

N/a for Mulongo for the Accused.