

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MOMBASA

CRIMINAL CASE 11 OF 2006

REPUBLICPROSECUTOR

VERSUS

GEORGE NGATIA.....ACCUSED

S E N T E N C E

The accused herein, George Ngatia, pleaded guilty to a charge of Manslaughter contrary to Section 202 as read together with Section 205 of the Penal Code. I have considered the mitigation he tendered to this court. I have also noted that the offence took place after the accused had involved himself in a drinking spree. He is a first offender who readily pleaded guilty without wasting the time of the court. There is no evidence that the accused had schemed to eliminate the deceased. What appears from the facts read by the learned State Counsel is that the accused acted on the spur of the moment.

What is not clear to me is why did the accused use a lethal weapon in form of a kitchen knife? He is a retired Civil Servant who should have known better. However the incident will remain as a scar in the remaining calendar of his life. It is a stigma which will never go away easily in the minds of the people who know him. The accused has been in custody pending trial since the time of his arrest i.e. on 8th February 2006. He appeared remorseful. In the circumstances I am convinced that a short custodial sentence is necessary to enable him seriously reflect about his past and future life in the light of the fresh circumstances. Consequently the accused is sentenced to serve six (6) months imprisonment.

Dated and delivered at Mombasa this 20th day of March 2007.

J.K. SERGON

J U D G E

In open court in the presence of Mr. Oguk for accused and Miss Mwaniki for the state.