

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MACHAKOS
Criminal Case 15 of 2006

REPUBLICPROSECUTOR

VERSUS

JAPHETH MALUKI KIINGA..... ACCUSED

3/5/2006

Coram

D.A. Onyancha , J

Advocate for accused – Nyakeri

Principal State Counsel for Republic- Mr.Omirera

SENTENCE

The accused and deceased had been to a drinking loosing four molars. That is when accused snatched the same shoe and hit the deceased with it on the forehead apparently with strong force. Deceased fell crying for help. He was taken to hospital where he later succumbed to the injury. These facts show that deceased was spree. The deceased became provocative and wanted to fight the accused.

The accused is shown to have avoided a fight as much as he could but

deceased finally chased him, caught up with him and hit him with his shoes on the mouth removing accused two frontal teeth and to blame all along. He seriously injured the accused by removing his two front teeth and loosening four others. Accused reacted as a last resort. This is a case that orders on self defence. The court has considered all the facts and the circumstances of the case. It is the decision of the court that accused should go to jail for one day. It is so ordered.

D.A.Onyancha

JUDGE

3/5/2006