

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MACHAKOS
MURDER CASE 1 OF 2006

PROSECUTORREPUBLIC

VERSUS

MWANZI KIOKO.....ACCUSED

2/5/2006

Coram

D.A. Onyancha ,J

Advocate for accused – Konya

Principal State Counsel for Republic-Mr Omirera

CC- Mateli

Language – English/Kikamba

SENTENCE

The accused boxed the deceased, his wife on the head and she apparently fell on chairs and got fatally injured. She was not immediately taken to hospital. She had also complained of malaria. When she was taken to hospital after three days she succumbed. It is not clear whether she had malaria as she was taken to hospital on the pretext that she had malaria. Accused's quarrel with deceased is not explained. There is no evidence that accused used any dangerous weapon to hit deceased.

All in all, this is an unfortunate death. Accused's culpability is minimal. Accused is a first offender. He has pleaded guilty saving court's time. He has been in remand for 8 months. He pleads for leniency. There are three young children left without a close relative to look after them. This in the courts view is one that requires great leniency and in particular for the sake of the children without blaming the accused more than he contributed. The accused has been in remand for 8 months which will be taken into account. If he has anything to learn about this incident he has done so. He will go to jail for one day. It is so ordered.

D.A. ONYANCHA

JUDGE.

2/5/06