

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MACHAKOS
Criminal Case 24 of 2006

REPUBLICPROSECUTOR

VERSUS

DOROTHY NTHENYA MUGO.....ACCUSED

28.6.06

Coram

D.A. Onyancha,J

Advocate for accused- Kitua

Principal State Counsel for Republic- Omirera

CC- Mueni

SENTENCE

Accused and deceased were cohabiting until about a week before this incident occurred. The deceased went to accused's house drunk and sought a sexual favour from her. Accused refused and this led to a fight during which the accused beat the deceased seriously, breaking his ribs and causing abdominal fatal injuries which caused a rupture of intestines. Deceased died in hospital within a few days. It is clear that accused who was sober, did not choose to avoid the fight or could not spare the deceased who was drunk. There is no evidence that deceased in anyway assaulted the accused.

I have considered the circumstances on the case as well as the mitigating factors. Accused has been in remand for about 9 months. She is sorry. She is a first offender and has pleaded guilty. However there is no adequate reason on her part to so harshly and hatefully assault the deceased whom she had been cohabiting with. It is the decision of the court that accused should serve a jail sentence of two (2) years. It is so ordered.

D.A. Onyancha,

JUDGE

28.6.06