



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MACHAKOS**  
**Criminal Case 21 of 2006**

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**HARRISON WAMBUA NYEKE.....ACCUSED**

**27/6/06**

**Coram**

**D.A. Onyancha,J**

**Advocate for accused – Wambua**

**Principal State Counsel – O’mirera**

**CC-Mueni**

**SENTENCE**

The accused boxed the deceased who had hit him at the door to the accused’s bar where deceased was trying to enter by force while being drunk. Accused wanted him not to disturb his patrons. Deceased fell backwards and hit his head on a concrete floor. He fell unconscious from which he never recovered. He was taken to hospital the next day but he died after admission. The accused cannot be said to have used an unreasonable force. There is no evidence that he pushed the deceased backward before he fell. This is indeed a most unfortunate case in which the deceased can be said to have squarely brought about his own death. The accused has pleaded guilty. He is remorseful that a previous life of his neighbour has been lost. He is a first offender and prays for leniency. Sending him to jail will not teach the accused much since he does not appear with much fault. I have taken into account all the circumstances of the case and I am satisfied that a long custodial sentence will not be relevant or deserved. It is the decision of the court that he should serve a jail sentence of 14 days. It is so ordered.

D.A. ONYANCHA

JUDGE

27.6.06