

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MACHAKOS
Criminal Case 54 of 2003

REPUBLICPROSECUTOR

VERSUS

BONIFACE KIEME MBURYA.....ACCUSED

14.6.2006

Coram

D.A. Onyancha-J

Advocate for accused-Mulu/Soo

Principal State Counsel for accused- Omirera

CC- Mueni

SENTENCE

The marriage between accused and his deceased wife was not a happy one apparently due to, interference by deceased's mother who constantly persuaded deceased to leave accused's home. The accused and deceased had three children, now in the custody of the deceased's mother. On the fateful evening, accused went to house of the deceased to collect her and one child. He found his wife flirting with another man. Since it was late he decided to stay. But soon a quarrel broke out between accused and the new suitor to his wife. He was hit on the head from where he began bleeding. That is when he appears to have taken a bow and arrow being carried earlier by his brother in law and shot it at the wife's new suitor who had injured him. The arrow caught his wife and was the cause of her death later. Accused is remorseful and prays for leniency. He has been in remand for 3 years, which will be taken into account.

Considering all these circumstances plus the fact that accused is a first offender, it is the decision of the court that accused caused the death of his wife unnecessarily and should go to jail for 2 (two) years.

It is so ordered.

D.A. ONYANCHA

JUDGE

14.6.06.