



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT MACHAKOS**

**Criminal Case 18 of 2006**

**REPUBLIC .....**  
**.....PROSECUTOR**

**VERSUS**

**DAVID MALOMBE.....**  
**ACCUSED**

**14/6.06**

**D.A. Onyancha, J**

**Advocate for accused –Muriungi**

**Principal State Counsel for Republic-O'mirera**

**CC-Mueni**

**SENTENCE**

Accused fought with the deceased, his 2<sup>nd</sup> wife, as the two walked home after doing some drinking. The fighting took place on a stony ground. There is some evidence that at one stage he pulled her along the ground. He later carried her on his shoulders and finally reached home where he laid her on their bed without realising that she had sustained a serious injury on the head. He only realised that she was dead the next morning. Although she constantly sought a return of her money she had lent him, there is no indication that the two had animosity between them. It is not clear even at what stage she got the fatal injury. But accused was responsible for the injury and that it was sustained during the time when they were fighting or as he pulled her along the ground.

He is remorseful and prays for leniency. He has been in remand for about 4 1/2 months. Taking all the circumstances into account, it is the decision of the court that he should go to jail for 9(nine) months.

It is so ordered.

D.A. Onyancha

JUDGE

14.6/06