



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

**Criminal Case 20 of 2005**

**REPUBLIC.....PROSECUTOR**

***VERSUS***

**KITONGA MUTINDA.....ACCUSED**

**13.6.2006.**

**Coram**

**D.A. Onyancha, J**

**Advocate for accused- Kamanda**

**Principal State Counsel –O’mirera**

**CC-Mueni**

**SENTENCE**

Accused unlawfully pushed the deceased to the ground where deceased fell headlong; this inflicted a spinal code injury. He had just quarrelled with de deceased whose relationship with deceased’s wife accused begrudged. He had just demanded some loan from deceased which deceased did not extend as he did not have money.

Clearly, the deceased received the worst treatment from accused’s unlawful conduct. It is submitted that accused was somewhat drunk. However, this should not be an excuse for accused’s unlawful conduct. Accused is however said to be regretful and prays for leniency. He has been in remand for a year which the court will take into account in sentencing.

Considering the fact that he only pushed the deceased and did not use any dangerous weapon, it is the decision of the court that he should go to jail for three (3) years.

It is so ordered.

D.A. ONYANCHA

JUDGE

13.6.06