REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MACHAKOS
Criminal Case 32 of 2004

REPUBLIC …….. PROSECUTOR

VERSUS

STEPHEN WAMBUA KISUSYA ……. ACCUSED

SENTENCE

Accused was a co-employee of the deceased. They had been invited for a food treat by their common employer who apparently also provided beer. The employees who included accused and deceased appeared to have taken too much of the beer. As a result the deceased lay on the ground outside their employer's house. Accused who attempted to walk away could not do so because the gates were closed and this appears to have infuriated him as he returned from the gate to the house of his employer. He again saw deceased lying outside there and kicked him on the stomach. The reason for the assault is not explained. The next morning deceased woke up with stomach pain which made him not to go to work. The next day on 14/12/2002 he was found dead. The postmortem shows that the deceased had been fatally injured in the stomach and links the kicks he had received from accused to the death. Accused is sorry. He has pleaded guilty. He has been in remand for 3 ½ years which the court will take into account. Drunkenness should not be an excuse for committing breaches of the law. Those who drink too much do it at their own risk. I have considered all the mitigating circumstances. It is the view of the court that accused deserves a jail sentence. He will go to jail for a period of 12 months. It is so ordered.

D.A. ONYANCHA

JUDGE

25/7/06