



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**CRIMINAL CASE NO.28 OF 2003**

**REPUBLIC ..... PROSECUTOR**

**VERSUS**

**JIBU BADI HAMISI ..... ACCUSED**

**Coram: Before Hon. Justice Mwera**

**Miss Mwaniki for the State**

**No appearance for Accused person**

**Court clerk – Sango**

**SENTENCE**

The accused was charged with manslaughter contrary to section 202 as read with S.205 Penal Code in that on 1-9-03 at Shanzu Village in Mombasa District she unlawfully caused the death of Alexander Badi. She pleaded guilty and facts were reproduced.

The court heard that the accused was the deceased's sister. Seemingly they lived with another brother at Shanzu. Alexander then moved house so he returned to collect his personal belongings but he could not trace some clothe items. That when he asked the accused of the whereabouts of them she did not give a satisfactory explanation and thus a row followed. The row developed into a fight.

That the deceased broke the accused's bed. He also slapped her. That in the commotion, the accused stabbed the brother in the chest. He died on arrival at the hospital. A post mortem report revealed that that stab wound killed him. The State asked the court to treat the accused as a first offender. In mitigation it was stated that she was young and had since the incident felt remorse and regrets. Emphasis was laid on the circumstances of the incident and the court was urged to show leniency.

Having considered all the above and noting that the accused has been in remand since the incident – some nine or so months ago, this court orders that she will serve nine (9) months imprisonment.

Orders accordingly.

**Delivered on 6th July 2004.**

**J.W. MWERA**

**JUDGE**