

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CRIMINAL CASE NO. 28 OF 2000

**REPUBLIC ::: PROSECUTOR
VERSUS
MUTEMI MBULA :: ACCUSED**

**Coram: J. W. Mwera J.
Miss Makungu for Republic 10
Makao O. for Mrs Isika for Accused
C.C. Muli

SENTENCE

On 26.2.2001 the accused was charged with unlawfully causing the death of Kilonzo Kilyungi C/S 202 Penal Code as read with S.205 Penal Code. It was alleged that he committed this offence called Manslaughter on 21.10.99 at Mwingi Township, Mwingi District. 20 The facts reproduced were to the effect that on the day in question the accused met the deceased when the latter was escorting a lady friend. The accused claimed that the lady return his Sh.100/= she had from him. A heated argument arose between him and the deceased, whereupon the accused took out a knife and stabbed the deceased in the chest. The deceased staggered back to his place of work – a nearby tea room and there collapsed. The accused was traced and later charged.

A post mortem report revealed that Kilonzo died of internal bleeding because of a stab wound that ruptured his heart. That this injury was consistent with the assault by the accused on the deceased. After due conviction, the court was asked to treat the accused as a first offender. Mr. O. Makau in mitigation said that the circumstances in which the offence took place 10 were regretted. That the accused a young man of 30 years and without a family would benefit from a lenient sentence desirably non-custodial. The accused has been in custody since 23.10.99. Having considered all the foregoing accused is ordered to serve thirty (30) months imprisonment. Sentence accordingly.

**Delivered on 12th March 2001.
J. W. MWERA
JUDGE**