

IN THE HIGH COURT OF KENYA AT MACHAKOS

CRIMINAL CASE NO. 30 OF 2000

**REPUBLIC ::::::::::::::::::::::::::::::::::::::: PROSECUTOR
VERSUS
PATRICK NGII MBITI ::::::::::::::::::::::::::::::: ACCUSED**

SENTENCE

The accused pleaded to the charge of manslaughter C/S. 202 Penal Code as read with S.205 Penal Code in that on 6.9.99 at Kathiani village Katutu, Kitui he unlawfully caused the death of Justus Munywoki Katitu. The court heard that the two step brothers, had a long standing land dispute 20 between them. So on the day in issue when the deceased with his brother and wife went to plough it, it was close to the accused's house, the accused suddenly appeared there armed with a panga and cut the deceased several times on the head. Those he had gone to plough with were a distance aside with the team of oxen. They looked back to see that the accused was walking away. When they ran to where the deceased was, the accused turned on them and they ran off. That the accused fled to Nairobi where he gave up himself to police. He was taken back to Kitui and charged.

After admitting the facts of the case the Learned State Counsel described the accused as a first offender in this kind of cases. Mr. Matata again went over the circumstances surrounding the land dispute and asked the court to treat his client with leniency. That he was married with two children and was remorseful. From all the foregoing and noting that the accused has been in remand for 10 about two years this court sentences him to serve twenty four (24) months imprisonment. Sentence accordingly.

**Delivered on 23rd October 2001.
J. W. MWERA
JUDGE**