



**Republic v Masakwe (Criminal Case E002 of 2023)
[2025] KEHC 3320 (KLR) (18 March 2025) (Sentence)**

Neutral citation: [2025] KEHC 3320 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE E002 OF 2023
AC BETT, J
MARCH 18, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

DICKSON ANERIKO MASAKWE ACCUSED

SENTENCE

1. The Accused Dickson Aneriko Masakwe was convicted on his own plea of guilty to a charge of manslaughter contrary to Section 203 as read with Section 205 of the [Penal Code](#).
2. In mitigation, Ms. Khatashi for the Accused who is in his thirties pleaded for leniency. She submitted that the Accused is a father of three children who are currently being taken care of by his parents because his wife abandoned them. She also submitted that the Accused is remorseful and has been in custody since his arrest. She prayed for a non-custodial sentence for the Accused.
3. Ms. Chala for the prosecution submitted that the Accused is a first offender and that by entering into a plea bargain agreement, he had saved the court's time. According to the prosecution, the Accused had stated that he acted in self-defence and his act was not premeditated.
4. The pre-sentence report paints a picture of remorse by the Accused who maintained that he acted in self-defence or due to the need of self-preservation from the attack of the deceased.
5. From the report, the victim's family is bitter about his death which they believe was the result of the Accused's senseless act.
6. I have considered the mitigation tendered by the Accused. I have also considered the circumstances that led to the offence. No matter how much one is provoked, violence should be the last resort.
7. I have also considered the fact that the Accused has children of tender years who are in need of their father's care. However, the victim also calls for justice from the grave.



8. From the post-mortem report, the deceased was stabbed three times on the chest. The Accused used a dangerous weapon in his attack. As expressed by the victim's family, the act was senseless. It therefore calls for stiff punishment as a deterrent as well as retributive measure.
9. The maximum penalty for offence of manslaughter is life imprisonment.
10. In the case of *Republic v Musee Moses Etiang* [2024] KEHC 4827 (KLR), Nyakundi J. imposed a custodial sentence of seven (7) years upon an Accused who had pleaded guilty to manslaughter. The Accused had followed the deceased into a house after being separated in a fight and attacked him with a knife therefore causing him fatal injuries.
11. Taking all circumstances into account, I sentence the Accused to serve ten (10) years imprisonment. The sentence shall run from the date the Accused was first arrested and placed in custody which was 6th January 2023 in compliance with Section 333 (2) of the *Criminal Procedure Code*.
12. The Accused has fourteen (14) days right of appeal to the extent allowed by law.
13. It is so ordered.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 18TH DAY OF MARCH 2025.

A. C. BETT

JUDGE

In the presence of:

Ms. Chala for the State/Prosecution

No appearance for Ms. Khatashi for Accused

Court Assistant: Polycap

