



**Republic v Mokandu (Criminal Case 19 of 2017)
[2024] KEHC 3559 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3559 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE 19 OF 2017**

**HM NYAGA, J
APRIL 11, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

BATHSEBA MOGOI MOKANDU ACCUSED

RULING

1. The accused was convicted on the offence of Manslaughter, pursuant to a Plea Agreement with the prosecution.
2. The court called for a Pre-sentence Report, which has been filed. The views of the family of the deceased have been captured and I have noted them.
3. The accused had a confrontation with the deceased over what the former suspected to be an extra marital affair between the deceased and her husband. The confrontation ended tragically, with the accused stabbing the deceased.
4. It is important to note that the accused went to the deceased’s house armed with a knife. This means that she was prepared for violence.
5. Whereas, I would sympathise with the accused’s situation, as set out in her mitigation and the pre-sentence report, there is need to do justice to the deceased, even if that cannot bring her back to life.
6. I am of the opinion that the accused, having armed herself in advance, ought to have known the consequences of her actions.
7. It is thus imperative that she learns a lesson, that violence is not a solution.



8. For the foregoing reasons, I sentence the accused to three (3) years imprisonment. In doing so, I have considered the time she spent in custody from the time of being charged and her subsequent release on bond. Thus, the sentence will commence from the date of this Ruling, today.
9. Right of Appeal is explained.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 11TH DAY OF APRIL, 2024.

H. M. NYAGA,

JUDGE.

In the presence of;

State Counsel Ms Okok

Court Assistant Oleperon

Accused present

