



**Republic v Mshanga (Criminal Case E006 of 2021)
[2024] KEHC 6790 (KLR) (2 May 2024) (Sentence)**

Neutral citation: [2024] KEHC 6790 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CRIMINAL CASE E006 OF 2021**

GMA DULU, J

MAY 2, 2024

BETWEEN

REPUBLIC PROSECUTOR

AND

BONVENTURE MSHANGA ACCUSED

SENTENCE

1. The accused herein was initially charged with murder contrary to Section 203 as read with section 204 of the Penal Code. The deceased was Nicholas Ngula Mwalugha.
2. Through a plea bargain agreement, the charge was later reduced to manslaughter contrary to Section 202 as read with Section 205 of the Penal Code.
3. He pleaded guilty to the lesser charge of manslaughter, and was thus convicted of same.
4. After conviction, the learned Prosecuting Counsel Mr. Sirima stated that the accused was a first offender.
5. Learned defence counsel Ms. Katema stated in mitigation that the accused person was drunk at the time of incident, and found the deceased on his bed at night and hit him. They were friends, and when he realized what he had done, he stayed near the body hoping that the deceased would wake up. Counsel urged the court to exercise leniency, and added that it was not necessary to await pre-sentence report.
6. I have considered the above factors. The force used on a defenceless person was however excessive for a defenceless person. A life was lost. I note that the accused person pleaded guilty. He has also been in custody from December 2021, more than two (2) years now.
7. I sentence him to six (6) years imprisonment from today, after taking into account all the above factors.

DATED, SIGNED AND DELIVERED THIS 2ND DAY OF MAY, 2024 IN OPEN COURT AT VOI.



GEORGE DULU

JUDGE

In the presence of:-

Alfred – Court Assistant

Mr. Sirima for State

Ms. Wambura holding brief for Ms. Katema for accused

Accused present

