



State v Miruka (Criminal Case E057 of 2023) [2024] KEHC 9492 (KLR) (23 July 2024) (Sentence)

Neutral citation: [2024] KEHC 9492 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISII
CRIMINAL CASE E057 OF 2023**

TA ODERA, J

JULY 23, 2024

BETWEEN

STATE PROSECUTION

AND

JOHN ONYANGO MIRUKA ACCUSED

SENTENCE

1. The offender was initially charged with murder but she entered into a plea bargain agreement and the charges were reduced to manslaughter contrary to section 202 as read with 205 of the *penal code*. He pleaded guilty and the matter is now for sentencing. A pre-sentence report was filed on 16.7.24 and I have carefully perused it, I note that the offender is aged 30 and is a father to one and a grandfather. He dropped out of class 3 and he is a casual worker. Both the offender and deceased come from the same village. The area assistant chief indicated that he had no previous adverse reports of the offender being involved in crime and that his family and that of deceased had reconciled and his family bore the funeral expenses and that his life is not a risk. The deceased’s family could not be traced. It has emerged that this is a crime of passion and a case of grave provocation as the offender killed deceased when he found him attempting to rape his wife. Defence counsel submitted that the offender is a family man, sole provider of his family, he was remorseful for the offence and ready to work on his anger. This was confirmed by the offender who told this court that he regrets his actions which led to the death of deceased and that he will strive to manage his anger. I have taken into account the nature of the offence, its circumstances, mitigation and the sentencing principles of proportionality and reintegration and all the relevant factors. I find that a probation sentence will be appropriate in this case to allow the offender be reintegrated back into the community and benefit from counselling on anger management.
2. I proceed to sentence the offender to serve probation for 3 years.
3. 14 days Right of Appeal.

T.A ODERA



JUDGE

23.7.24

Delivered virtually in the presence of: -

Mariita for accused

Koima for State

Court Assistant: Oigo

