



**Republic v Achayo (Criminal Case E020 of 2021)
[2023] KEHC 18921 (KLR) (Crim) (22 June 2023) (Sentence)**

Neutral citation: [2023] KEHC 18921 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
CRIMINAL CASE E020 OF 2021
K KIMONDO, J
JUNE 22, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

CHRISTINE ALUOCH ACHAYO ACCUSED

SENTENCE

1. The accused pleaded guilty to the lesser but cognate offence of manslaughter under a plea agreement recorded on December 8, 2022. The offence is grave and attracts a sentence of life imprisonment.
2. On March 23, 2021, the deceased, who was drunk, went to the house of the accused. A confrontation ensued and ended in a deafening silence. A witness, Grace Amollo, earlier heard the accused threatening to stab the deceased. Another witness, James Mukui, who was cleaning the common bathroom in the plot, found the deceased leaning on a wall with a knife stuck into his chest. The deceased told him that he was stabbed by the accused. Mukui dislodged the knife and with the help of other responders took the deceased to Mama Lucy Kibaki Hospital but he succumbed to the mortal wound.
3. The autopsy by Dr Maingi dated March 25, 2021 (exhibit 1) confirms that the cause of death was “exsanguination due to sharp object trauma to the chest”.
4. I have considered the pre-sentence report dated April 4, 2023 under the hand of Ms Ekulan Deborah, Probation Officer as well as the mitigation tendered by the accused’s counsel, Mr Omenke. The accused is a first offender and regrets her conduct. She acknowledges that had she not allowed to be consumed by anger, a life would not have been lost. She is aged 25 years and the mother to two young children. But while she pleads for a lenient non-custodial sentence, the mother of the deceased is still angst at the loss of her son and seeks a more severe sentence.



5. Sentence should be commensurate to the moral blameworthiness of the offender but also guided by the nature and gravity of crime. I sentence the accused to five (5) years' imprisonment. The sentence shall run from March 23, 2021, the date when she was first arrested and placed in custody.
6. The accused has a right of appeal to the Court of Appeal within 14 days and as per the Rules of that Court but only on the sentence. A copy of the proceedings shall be supplied to her immediately.

It is so ordered.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 22ND DAY OF JUNE 2023.

KANYI KIMONDO

JUDGE

Sentence read virtually on Microsoft Teams in the presence of:-

The accused.

Ms. Gikonyo for the Republic instructed by the Office of the Director of Public Prosecutions.

Mr. Omenke for the accused.

Mr. E. Ombuna, Court Assistant.

