



**Republic v Nyandika (Criminal Case E018 of 2022)  
[2023] KEHC 19408 (KLR) (3 July 2023) (Sentence)**

Neutral citation: [2023] KEHC 19408 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
CRIMINAL CASE E018 OF 2022**

**PJO OTIENO, J**

**JULY 3, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**MARY NYANDIKA ALIAS SOPHY ..... ACCUSED**

**SENTENCE**

1. The accused was convicted for the offence of manslaughter after a plea bargain and agreement.
2. The Court called for a pre-sentence report which fails to report the views of the family of the accused as well as that of the victim but captures those of the immediate community members and the provincial administration.
3. The report makes a conclusion without recommendation that there is no commitment from the family of the accused to assist her reintegrate into society, having moved away from the locality of the crime, while the victim's family remain bitter. The report disclose that of her four children, only one was sired by the deceased and that the child is with deceased's family while the first born is with accused's mother.
4. In mitigation however, Counsel for the accused expressed remorse on her behalf stressing that she has three little children who now wholly depend on her for support and livelihood. It was however underscored that the accused is prepared to move away from the locality where the incident occurred to avoid possible conflicts. That position was however discounted by he accused own account which was that her first born is with the mother, the next two with an aunt in Kakamega while the last born is with the paternal relatives.
5. For the Prosecution, the seriousness of the offence was stressed with the need for custodial sentence even though the accused is admittedly a first offender. For the Prosecution the sentence imposed should serve both ends of deterrence and rehabilitation.



6. The Court have given due regard to the pre-sentence report and the address by both Counsel. It has equally appreciated that there are children affected by the crime whose best interest is a mandatory consideration.
7. Taking all into account, the accused is sentenced to serve six (6) years imprisonment computed from the April 17, 2022. During the term she needs to take the available opportunities in prison to learn a life skill or trade to help her move from the criminal life of brewing and selling illicit brew.
8. Upon termination of prison term and before leaving custody, she shall sign a cognizance in the sum of Kshs 100,000, personal bond, under Section 30 of the *Penal Code*, to keep peace and be of good conduct for a further period of three (3) years from the date of discharge.

**DATED, DELIVERED AND SIGNED AT KAKAMEGA THIS 3<sup>RD</sup> DAY OF JULY 2023.**

**PATRICK J. O. OTIENO**

**JUDGE**

**In the presence of:**

Ms. Chala for the Prosecution/State

Ms. Ikhumba for the Accused

Court Assistant: Polycap

