

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL CASE NO. 34 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

CETRIC ATOTI KUSINJIRI.....ACCUSED

RULING ON SENTENCING.

1. The accused was charged with the offence of murder which was later reduced to manslaughter under **Section 202 as read with 205 of the Penal Code**
2. The particulars of the charge were that on the **9th day of July 2017** at Lakeview estate Nakuru town within Nakuru county unlawfully killed **Douglas Muchemi Mathenge**.
3. The accused admitted the charge as well as the statements as read out by the prosecution. The court ordered for a pre-sentencing report which has been availed. The same is positive and is in accord with the mitigation by the accused.
4. What is evident is that the accused fought with the deceased in a drinking den over a love triangle. There was no evidence that the fight was premeditated. Both the accused and the deceased were armed with knives. As a result of the injury afflicted upon the deceased he was rushed to the hospital for treatment and he unfortunately died on 17th July 2017.
5. The accused has been in custody from the time of his arrest and specifically from the date he was arraigned in court on 19th July 2017 which is about 4 years.
6. By tint of **Section 333(2) of the Criminal Procedure Code**, the above period is taken into consideration in this ruling.
7. For the foregoing reasons and considering the favourable report by the probation officer filed in court on **4th May 2021**, the accused is hereby sentenced to serve **Two (2) years imprisonment from the date herein**.
8. He has a right of appeal.

9.DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAKURU THIS 6TH DAY OF MAY 2021.

H K CHEMITEI.

JUDGE.