

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

HIGH COURT CRIMINAL CASE NO 21 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

CATHERINE NKIROTE.....ACCUSED

SENTENCE

1. A plea agreement dated 3/2/2021 and filed in court on 23/6/2021, came before court for adoption. Following its adoption, a plea of guilty was entered against the accused for the offence of manslaughter.
2. Pursuant to that plea of guilty having been entered, the court directed that a pre-sentencing and/or a victim impact statement report be filed by the probation officer prior to mitigation and sentencing.
3. The pre-sentence report filed on 30/9/2021 reveals that the accused family as well as the community are open to having her back at home, in order to initiate the reconciliation process. On the other hand, the deceased family feels justice will be served if she is given a custodial sentence.
4. I have taken into account the recommendations made in that report and the mitigation offered by Mr. Igweta, on behalf of the accused. I have equally taken into consideration the sentiments expressed by Mr. Maina for the prosecution.
5. Drawing guidance from the objectives of sentencing in Criminal justice system, and being cognizant of the gravity of the offence for which the accused has been convicted, the age of the accused and that of her children, I find that the circumstances of the case and community situation mitigates against a non-custodial sentence at the moment.
6. When narrations given on how the deceased died and the views of the widow to the deceased as captured in the probation officers report are given due regard, it is difficult to wish away the possibility inclination to revenge. I take into account the victims concern I determine that the accused needs to be kept away a little longer for the victims to heal. In addition, the accused is said to have been taken to abusing alcohol and she may need sometime in the environment of a correctional facility to rethink her life and ways including acquisition of a skill that may engage her once she is released into the community.
7. Having given regard to the above factors, I determine to give the accused a lenient but custodial sentence of 10 years' imprisonment. The term shall be calculated from the day she was arrested.

DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS THIS 13TH DAY OF OCTOBER, 2021

Patrick J.O Otieno

Judge

In presence of

Mr. Maina for the prosecution

Mr. Igweta for the accused

Accused – present

Patrick J.O Otieno

Judge