



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MAKUENI**

**HCCRC . NO. 13 OF 2017**

**REPUBLIC.....PROSECUTION**

**VERSUS**

**FESTUS MUMO NYAMAL.....ACCUSED**

**RULING ON SENTENCE**

1. The accused herein was charged with murder but convicted of the lesser offence of manslaughter after entering into a plea bargain agreement.
2. Before sentencing him, this court ordered the filing of a pre-sentence report, and the report dated 16/09/2021 prepared by Rosemary Mwalewa was filed.
3. I have considered the circumstances of the case and the mitigation of counsel for the accused and the pre-sentence report.
4. I note that the pre-sentence report recommends non-custodial sentence. I am aware that this is a 2017 matter. I however consider that a non-custodial sentence is not appropriate, even though a plea bargain agreement was filed.
5. In this case where the charge was reduced due to plea bargain, the accused and his family might as well have to pay the customary compensation as agreed in order to bring harmony in the community and demonstrate good faith. As for the sentence of this court and to discourage similar acts of violence and homicide, I sentence the accused person to serve two (2) years imprisonment.

**Delivered, Signed & dated this 18<sup>th</sup> day of November 2021, in open court at Makueni.**

.....

**George Dulu**

**Judge**