

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL CASE NO. 34 OF 2018

REPUBLIC

VERSUS

NAFTALI CHEGE.....1ST ACCUSED

CHARLES WANGOMBE MUNYIRI.....2ND ACCUSED

ISMAEL BARAKA BULIMA.....3RD ACCUSED

JOHN PAMBA.....4TH ACCUSED

Judgment on Sentence

1. I have considered the mitigation on behalf of all accused persons. I have also considered the submissions by Mr. Muteti for the prosecution and the victim impact evidence of Hilary and Lord Monson.

2. I agree that there is need to send clear message to the police that their duty is to protect life rather than take it away.

3. I have seen the condition of the 4th accused. He is an invalid. However, it would not meet the interest of justice if I fail to jail him to prison term. All the accused persons deserve to be jailed to custodial sentence. That is the only way a clear message would be sent out to the police.

4. Having considered the mitigation in place, it must be noted that the sentence for manslaughter is life in prison. Therefore, any jail term which is less than life in prison is reasonable in the circumstances. I therefore herewith jail the accused person as follows, depending on their degree of responsibility:

1. **The 1st accused person Naftali Chege is sentenced to serve a jail term of 15 years in prison, 5 of which are suspended.**
2. **The 2nd accused person Charles Wang'ombe Munyiri shall serve a prison sentence of 12 years in prison, 6 of which are suspended.**
3. **The 3rd accused person shall serve 9 years in prison, 5 of which are suspended.**
4. **The 4th accused person shall serve 12 years in prison, 6 of which are suspended. However, due to his invalid condition, the 4th accused person shall continue to seek treatment outside prison, and shall only move into jail after his health condition has improved. However, in any event the 4th accused person shall be moved into jail on 15/11/2022 regardless of whether or not he shall have healed.**

DATED, SIGNED AND DELIVERED IN OPEN COURT ON 15TH NOVEMBER 2021.

E. K. OGOLA

JUDGE