

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

HIGH COURT CRIMINAL CASE NO. 56 OF 2014

REPUBLICPROSECUTOR

VERSUS

TIMOTHY KAARI M'IMANA.....ACCUSED

SENTENCE

1. After the conviction on the offence of manslaughter, the court called for a pre-sentence report from the probation officer before the accused was called to offer mitigation. The report filed and entitled victim impact report is wholly unfavourable to the accused persons and does not recommend a non-custodial sentence.
2. When availed a chance to mitigate, the accused person's advocate pleaded for leniency from the court and urged the court to give regard to the fact that the accused person was remorseful, that he had saved judicial time by entering into the plea agreement and that the events of the fateful day were that the accused had been attacked by the deceased.
3. In seeking a custodial and deterrence sentence, Mr. Maina for the prosecution pleaded with the court to look at the brutal manner in which the deceased was killed by the accused when his only undoing was to seek to rescue another lady then under attack by the accused. He urged the court to take into account that fact that the deceased was attacked viciously and violently on the cheek and the chin in a fashion that must have been intended to cause harm.
4. I have considered the victim impact assessment/ pre-sentence report and the recommendations made therein. Having taken into consideration the sentencing guidelines, the age of the accused as well as the manner in which the injuries were inflicted and death occasioned, I do sentence the accused to serve a jail term of 15 years as a show of disapproval of the conduct by the accused. Having been in custody from arrest to date the sentence shall commence on the 21/7/2014.

DATED SIGNED AND DELIVERED AT MERU THIS 15TH DAY OF NOVEMBER, 2021

PATRICK J.O OTIENO

JUDGE

15/11/2021