



**REPUBLIC OF KENYA**

**IN THE HIGH COURT**

**AT ELDORET**

**CRIMINAL CASE NO. 17 OF 2020**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**ELIZABETH AKAI EKENO.....ACCUSED**

**JUDGMENT**

1. Pursuant to a plea agreement herein dated 9.9.2021, the accused person herein **ELIZABETH AKAI EKENO** pleaded guilty to offence of manslaughter contrary to **Section 202 and 205 of the Penal Code**.
2. The charge is that on 7<sup>th</sup> day of March, 2020 at Sokomo area within Uasin Gishu County unlawfully caused the death of Joshua Kiptoo.
3. The accused having pleaded guilty to the offence, the duty of this Court is now to meet out judgment on sentence.
4. Under **Section 205 of the Penal Code**, the offence of manslaughter is punishable by life in prison.
5. The facts of the case are as follows:

**“On 7.3.2020 at about 8.00 a.m., the accused together with the deceased who was her husband went to Sogomo area to do casual work. They were paid Kshs.1000 to be paid for their daughter, Abigael school fees. Abigael was at home due to lack of fees. In the evening, the accused went to fetch firewood. On her way back, she met the deceased who was going to the shopping centre. Arriving home, the accused did not find the money where she had kept it under the pillow. Abigael explained that the deceased had taken the money. The accused continued to prepare supper. A neighbor called Samuel went to their house and stated that the deceased was celebrating at Sogomo and found the deceased with the said woman. The accused asked the deceased to go home but the deceased slapped her. The deceased followed the accused home and fight started there. The deceased took a knife that was on the table and fought with it.**

**The accused took that knife and stabbed the deceased on the neck. Neighbours came and found the deceased on the floor bleeding. They took him to the hospital, where he was pronounced dead on arrival.**

**On 10.3.2020, post mortem was done. It revealed that the cause of death was loss of blood through stabbing. The accused was arrested on the same night.”**

6. The accused is a first offender and appeared remorseful. She regretted the offence and stated that the same was a result of a domestic quarrel with the deceased, and that it is the deceased who initiated the quarrel. The accused has young children now under the care of neighbours. The defence submitted that a period of two years in jail should be adequate, noting that the same has been served by the accused in remand.
7. In my view, the offence for which the accused pleaded guilty is a serious one even if it involved family dispute.
8. The accused has children who are young. Although punishment for manslaughter is life in prison, this court has considered the circumstances under which the offence took place, and the plight of the children of the marriage. For that reason, the accused is hereby jailed to serve a term in prison of four **(4)** years from the date of arrest, the remaining years to be served on probation. Consequently, the accused is released to serve the remaining term on probation.

**Signed in Eldoret this 7<sup>th</sup> December, 2021.**

**E. K. OGOLA**

**JUDGE**

**DATED AND DELIVERED IN ELDORET THIS 8<sup>TH</sup> DECEMBER, 2021**

**R. NYAKUNDI**

**JUDGE**