



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MAKUENI**

**HCCR NO. 8 OF 2019**

**REPUBLIC.....PROSECUTION**

**VERSUS**

**PETER KYALO KALUMA ..... ACCUSED**

**RULING ON SENTENCE**

1. **Peter Kyalo Kaluma** the accused was initially charged with murder contrary to section 203 as read with section 204 of the Penal Code which was later reduced to manslaughter contrary to section 202 as read with section 205 of the Penal Code after a plea bargaining agreement.
2. The deceased was a younger brother of the accused. The facts reveal that the incident occurred at the accused's home after the deceased attacked him and even injured him on his stomach. The deceased was therefore the aggressor.
3. This court called for a pre-sentencing report which has been filed. The report shows that the deceased had taken the family and village through a lot of suffering because of his unbecoming behaviour. The report from all those interviewed shows their willingness to receive the accused back into the family and society for purposes of settlement.
4. I have considered the circumstances of the case and the positive report from probation. I find the accused to be a suitable candidate for a non-custodial rehabilitation.
5. I therefore place him on probation for three (3) years under the supervision of the County Probation Officer. Conditions attached are fully explained to him.

Orders accordingly.

**Delivered, signed & dated this 22<sup>nd</sup> day of January 2020, in open court at Makueni.**

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**H. I. Ong'udi**

**Judge**