

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCR NO. 29 OF 2017

REPUBLIC.....PROSECUTION

-VERSUS-

NGUI MUTUKUACCUSED

RULING ON SENTENCE

1. **Ngui Mutuku** was convicted on a reduced charge of manslaughter contrary to section 202 as read with section 205 Penal Code on 17th December, 2019.
2. The accused and deceased were friends and distant cousins. Accused was first arraigned in court on 19th November, 2015. He has therefore been in custody for four (4) years and 5 ½ months.
3. This court called for a pre-sentencing report which has been filed. The two families and the administration have been consulted and the report is favourable to the accused. The families have also agreed to meet and agree on some mode of compensation to the victim's family.
4. The administration through the assistant chief and village elder have confirmed that the accused is well behaved and not a security threat if released.
5. Having considered the circumstances of the case and the report from probation, I find the accused suitable to serve on probation. He is however warned of cancellation of the probation order if he involves himself in any form of crime or breaches any of the conditions of probation.
6. Accused will serve three (3) years on probation under the supervision of the Makeni county probation officer.

Orders accordingly.

Delivered, signed & dated this 8th day of May 2020, in open court at Makeni.

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H. I. Ong'udi

Judge