

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCR NO. 22 OF 2017

REPUBLIC.....PROSECUTION

VERSUS

RICHARD KAVAI KIMATU.....ACCUSED

RULING ON SENTENCE

1. **Richard Kawai Kimatu** the accused herein was initially charged with the murder of his three (3) year old son. The charge was later reduced to manslaughter contrary to section 202 as read with section 205 of the Penal Code after plea bargaining. He pleaded guilty and was convicted of it on 27th February, 2020.

2. The court considered the facts of the case and the circumstances under which the accused committed the offence, and called for a presentencing report which has been filed.

3. The facts and even the report filed confirm that at the time of incident, the accused was suffering from a mental illness and was infact on medication.

4. He was released on bond on 18/06/2018 after payment of a cash bail of Kshs.50,000/=. The home report shows that the accused has complied with all the bond conditions. He relates well with all those at home and in the village. He had continued with his treatment religiously.

5. Having considered the presentencing report and the circumstances under which the offence was committed I find that the accused deserves to be given a second chance. This will help him continue with his medication and also take care of his young family.

6. He is hereby placed on three (3) years' probation. The conditions of serving on probation are clearly explained to him.

7. The cash bail deposited to be refunded upon production of the original receipt.

Orders accordingly.

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

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H. I. Ong'udi

Judge