



**REPUBLIC OF KENYA**

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

**HIGH COURT CRIMINAL CASE NO. 1 OF 2020**

**REPUBLIC.....PROSECUTION**

**-VERSUS-**

**AM.....ACCUSED**

**RULING ON SENTENCE**

**AM** the accused herein was initially charged with murder contrary to section 203 as read with section 204 of the Penal Code. The charge was reduced to manslaughter contrary to section 202 as read with section 205 of the Penal Code after a plea bargain agreement.

After the conviction and mitigation, I called for a pre-sentence report which has been filed. The prosecution indicated that the accused is a 1<sup>st</sup> offender. It has now been confirmed that he has two previous convictions namely: -

i. **Kilungu Pm's Cr. Case No. 443/2015** – offence of stealing. He was placed on probation for a year as he was a juvenile aged 17 years.

ii. **Kilungu Pm's Cr Case No. 355/2019** offence of preparation to commit a felony.

He was imprisoned for a year and released in December 2019. He had hardly been home for a month when this offence was committed.

In short, the pre-sentencing report filed is not in favour of the accused being given a non-custodial sentence. Even his family is not ready to receive him back home at this time. The deceased was the accused person's first cousin.

I have considered the report and I find that the accused requires strict rehabilitation. There is no good reason why he killed the four (4) year old boy.

He will therefore serve seven (7) years imprisonment.

Orders accordingly.

**Delivered, signed & dated this 2<sup>nd</sup> day of July 2020, in open court at Makueni.**

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**H. I. Ong'udi**

**Judge**