



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL CASE NO. 2 OF 2017

LESIT, J

REPUBLIC.....PROSECUTOR

-VERSUS -

JERIDA ANINDO.....ACCUSED

RULING ON SENTENCE

1. The accused **JERIDA ANINDO** was charged with one count of murder contrary to **section 203** of the **Penal Code**. The charge was reduced to that of manslaughter contrary to **section 202** of the **Penal Code** following a successful Plea Bargaining and Plea Agreement.
2. The sentence for the offence of manslaughter is provided under **section 205** of the **Penal Code**. That section provides that a person convicted of manslaughter faces a life sentence.
3. I have considered that the accused was arraigned in court on 12th January 2017 and has been in custody during the pendency of her case since then. I have also considered that the accused pleaded guilty to the offence.
4. I have considered the submissions on accused mitigating circumstances as given by her counsel, Mrs. Omungala. I have considered that the accused is 28 years old and a mother of a 10 year old boy who is being taken care of by her grandmother. I have considered defence counsels' submission that the accused is remorseful for the offence and that she has reformed. The various certificates for the various courses that she has attended while in prison custody have also been noted. She pleads for leniency and for a non-custodial sentence.
5. I called for a Pre-Sentence Report and one has been filed. The families of both the deceased and the accused were interviewed. The family of the accused pleaded for leniency and gave background information about the accused circumstances including the fact she was raised in hardship.
6. The family of the deceased, the parents and siblings are yet to come to terms with the death of the deceased. He was 18 years old and a form 2 student when he met his death.
7. The accused has admitted that she caused the death of the deceased and blames it on her anger which she pledges to learn to control.
8. In addition to the above, I appreciate that the accused has pleaded guilty to the lesser charge thus saving court's time. The accused has been in custody since 12th January 2017 a period of 2½ years now.
9. I have taken into account the circumstances of the offence. The accused reacted to deceased questioning her why she had called his mother to abuse her. The accused pulled out a knife she was carrying in her belongings and stabbed the deceased once. I considered it was a single stab and that she aimed for the thigh. Deceased died of excessive bleeding in the second hospital where he had been taken for treatment.
10. The accused is said to be an orphan and a mother of one. I considered accused personal circumstances. She has had a difficult life, being moved from one relatives home to another. From her relative's sentiments to the Probation Officer, she has not been known to be violent and they blamed her life experiences for her reaction and action in this case.
11. One's past experiences cannot be an excuse nor a justification for murder. I repeat here what I have said before. Young people must appreciate that it is cool to walk away without trying to revenge for oneself particularly where one has been rejected.

12. Having taken all these factors into account, I consider that a non-custodial sentence will not be appropriate. The accused needs to understand the seriousness of her action. The deceased was a very young person. She should have been protective or condescending to him as a mother. Furthermore the deceased was not aggressive at all. Accused reaction was unwarranted.

13. Having taken into account all these factors I sentence the accused to five years imprisonment from date of arraignment in court. She must also attend guidance and counselling sessions to be organized by Prison.

DATED AT NAIROBI THIS 21ST DAY OF MAY, 2019.

LESIT J

JUDGE