



**REPUBLIC OF KENYA**

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

**HCCR NO. 140 OF 2017**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JACKSON MWENDWA KANARI.....ACCUSED**

***(Formerly Machakos High Court Criminal Case No. 21 of 2016)***

**RULING ON SENTENCE**

1. The accused had initially been charged with murder contrary to section 203 as read with section 204 of the Penal Code. After a plea bargain arrangement the charge was reduced to manslaughter contrary to section 202 as read with section 205 of which he was convicted.
2. The pre-sentence report is favourable to the accused who is aged 25 years old. He was first arraigned in court on 03/05/2016 which is 3 years 2 months now.
3. I have considered the mitigation and the circumstances leading to the commission of the offence. The accused must learn to manage his anger. What the deceased did not warrant a lash of that nature from the accused. He went overboard.
4. I have considered the period the accused has been in custody.

**ORDER**

**(i) The accused is sentenced to serve two and a half years (30 months) imprisonment.**

**DELIVERED, SIGNED & DATED THIS 23<sup>RD</sup> DAY OF JULY, 2019 AT MAKUENI IN OPEN COURT.**

.....

**HON. H. I. ONG'UDI**

**JUDGE**