

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCR NO. 121 OF 2017

REPUBLIC.....PROSECUTION

-VERSUS-

ALBANUS MUMO KAKUNDI.....ACCUSED

RULING ON SENTENCE

1. The accused was initially charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. Through a plea bargaining agreement, the charge was reduced to manslaughter contrary to Section 202 as read with Section 205 of the Penal Code. The accused was convicted after pleading guilty to the charge.
2. The deceased herein was the accused's father. After hearing the accused person's mitigation, this court called for a detailed social inquiry report through the Probation Office. The same was filed on 21st June, 2019.
3. A summary of this report is that the accused is aged thirty (30) years. He is married with two children. He has three (3) siblings and one of them called Jeremiah Kasyoki (3rd born) is in bad books with the accused. Accused is known to be well behaved. He used to have occasional quarrels with the deceased.
4. The report shows that the accused if released would be well received by his mother's family. While in court, he appeared remorseful for what he did to his father. Of course this is something that will haunt him forever, unless he totally surrenders his life to our Lord and Saviour Jesus Christ. He will need a lot of counselling. He is young and has a young family. Weighing all these interests, I find the need for counselling and rehabilitation to rank the top most.
5. The accused first appeared in court on 18th September, 2017 while the offence was committed on 5th September, 2017. He has therefore been in prison for one (1) year ten (10) months.
6. **I have considered the mitigation, social inquiry report, the circumstances of the offence and the period the accused has been in prison. I sentence him to three (3) years imprisonment.**

Orders accordingly.

DELIVERED, SIGNED & DATED THIS 2ND DAY OF JULY 2019, IN OPEN COURT AT MAKUENI.

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H. I. ONG'UDI

JUDGE