

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HCCR NO. 19 OF 2019

REPUBLIC.....PROSECUTION

-VERSUS-

JOSEPH KYENDE MASIKA.....ACCUSED

RULING ON SENTENCE

1. The accused was charged with murder contrary to section 203 as read with section 204 Penal Code which was later reduced to manslaughter contrary to section 202 as read with section 205 Penal Code upon entry of a plea bargain agreement.
2. Upon conviction, the accused through his advocate M/s. Muthiani asked the court for leniency while sentencing him. The record shows that the accused is a nephew to the deceased i.e. the deceased and the accused's father were brothers.
3. The court called for a detailed social inquiry report which was filed on 18th November, 2019. The report reveals that the accused has no issues with the family, community and the administration who are ready to receive him back. It has also been revealed that both parents of the accused are alive. Accused is aged 45 years, married with three children.
4. He is said to have changed for the better since his release on bond. Currently, he is under spiritual guidance by Pastor Zacheas Kavoi of CCI – Mumela.
5. The report filed is therefore favourable to him. I hereby place him on probation for three (3) years under the supervision of the Makueni county probation officer. Conditions well explained to the accused.

Orders accordingly.

Delivered, signed & dated this 20th day of November 2019, in open court at Makueni.

.....

Hon. H. I. Ong'udi

Judge