

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HCCR NO. 03 OF 2018

REPUBLIC.....PROSECUTION

VERSUS

PURITY MBITHE MADARAKA.....1ST ACCUSED

JULIET MUTINDI MADARAKA2ND ACCUSED

RULING ON SENTENCE

1. The 1st and 2nd accused herein are mother and daughter respectively. They were initially charged with murder contrary to section 203 as read with section 204 of the Penal Code. The same was reduced to manslaughter contrary to section 202 as read with section 205 after a plea bargain agreement.

2. The victim in this case was a grandchild to A1 and a child to A2. A1 is a woman aged 50 years and should have set a good example to her daughter by discouraging her from taking away the life of innocent SM. Instead of doing that, she participated in the commission of this offence in the name of protecting A2.

3. By her conduct she lost a beautiful granddaughter while A2 lost an innocent beautiful daughter. A detailed social inquiry report was filed, and a clearer picture is given as to what may have led to the commission of this offence. The report shows that both accused have repented and undergone counselling. The husband to A1 should do the same for his role in the matter.

4. I have considered all the circumstances under which the offence was committed together with the pre-sentence report and find that the accused persons did a foolish thing. They need time to reconcile themselves with God and know what He expects of them. They are hereby each placed on probation for three (3) years. The probation conditions are explained to them.

Orders accordingly.

Delivered, signed & dated this 14th day of November 2019, in open Court at Makueni.

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Hon. H. I. Ong'udi

Judge