



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 15 OF 2018**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**SHEM NYASEMI OHURU.....ACCUSED**

**RULING ON SENTENCE**

The accused, SHEM NYASEMI OHURU, has pleaded guilty to the offence of Manslaughter contrary to Section 202 as read with Section 205 of the Penal Code following a plea bargain agreement. It is alleged that he unlawfully killed his wife, GRACE KEMUNTO on 14<sup>th</sup> April 2018 at Machabumbi Village, Iringa Sub-location, Gucha South Sub-County, Kisii County.

I am now called upon to impose an appropriate sentence. The circumstances of the case were that the accused and deceased had a quarrel following which the accused slashed the deceased on the head five times causing her to bleed to death. The defence counsel, told the court that the accused was reacting to an incident of thuggery arranged by his wife and in reaction to the thugs he slashed his wife in order to defend himself.

I have considered the fact that the accused is a first offender, is young and has pleaded guilty as mitigating factors. On the other hand, I cannot ignore the fact that a life had been lost in an act of violence to an intimate partner. In my view a custodial sentence is appropriate to reflect the gravity of the offence. I therefore sentence the accused SHEM NYASEMI OHURU to five (5) years imprisonment.

**Sentence read and delivered in open Court this 9<sup>th</sup> July 2018.**

**D.S Majanja**

**Judge**

Mr. Otieno, Prosecution Counsel, instructed by Office of Director of Prosecutions

Mr. Okenye, Advocate for the Accused