



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 23 OF 2013**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**NICODEMUS SAGINI NYAKUNDI.....1<sup>ST</sup> ACCUSED**

**KALVIN ACHIKI OMBATI.....2<sup>ND</sup> ACCUSED**

**RULING ON SENTENCE**

The accused KALVIN ACHIKI OMBATI was charged with murder but ultimately convicted of the offence of manslaughter. The circumstances of the case was that the deceased was stabbed by the accused following a fight at a Matanga where the accused had come in a drunken state and started mishandling the women.

I have considered the plea for leniency and the probation report which show that the accused is a member of good standing in the community. It appears that the family of the deceased do not have any problem with a non-custodial sentence.

Considering the circumstances of the case, I hereby sentence the accused, KALVIN ACHIKI OMBATI, to two (2) years probation. He is ordered released unless otherwise lawfully held.

**Ruling read and delivered in open Court this 12<sup>th</sup> October 2018.**

**D.S Majanja**

**Judge**