



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
CRIMINAL CASE NO 109 OF 2014

LESIIT J

REPUBLIC.....PROSECUTOR

VERSUS

S A O.....ACCUSED

RULING ON SENTENCE

1. The accused has been convicted for manslaughter contrary to **section 202** of the **Penal Code** on her own plea of guilty.
2. The court has considered that the accused pleaded guilty to the lesser charge that followed a successful plea bargaining.
3. I have considered that the prosecution is treating her as a first offender.
4. I have considered mitigation given on behalf of the accused by Mr. Kaberia, her defence counsel. In that mitigation the following issues were raised which I have considered;
 - a. That the accused is a widower as she was married to another man who has since died.
 - b. That the accused has a young child of 8 years and that she is the sole bread winner of that child.
 - c. That the accused has reformed while in custody.
 - d. That she has undergone various courses which makes her useful to society.
 - e. That the accused is sick and is on ARVs.
 - f. That the accused was acting in self defence.
5. I have considered that the accused has been in custody since her arraignment in court for the last 2 years and six months.
6. Having taken all these matters into consideration I find that a custodial sentence is called for. The facts are clear that the accused overpowered the deceased and took away the knife. Having done so stabbing the deceased was use of excessive force. And stabbing him in the chest was equally excessive.

7. I will sentence the accused to 18 months imprisonment.

DATED, SIGNED AND DELIVERED THIS 15th DAY OF MAY, 2017.

LESIIT, J

JUDGE