

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

HIGH COURT CRIMINAL CASE NO. 8 OF 2016

REPUBLICPROSECUTOR

VERSUS

JUSTUS MUTINDA MWANGEACCUSED

RULING ON SENTENCE

1. The accused was convicted of manslaughter contrary to **section 202** of the **Penal Code**. Under **Section 205** of the **Penal Code**, a person convicted of manslaughter is liable to imprisonment for life.
2. I have considered that the accused was arraigned in court on 28th January 2016 and has remained in custody during the pendency of his trial for a period of one year and 3 months.
3. The State did not have the records of the accused and so treated him as a first offender which I have considered.
4. I have considered the mitigation given by Mr. Anambo on behalf of the accused counsel. Counsel has urged that the accused was remorseful for the offence; had only one child, a daughter, was 36 years old therefore young. He urged that accused aged parents depended on him. He also has siblings who depend on him. Counsel sought a non-custodial sentence.
5. I have considered all these factors together with the circumstances of the case. The accused used a knife to flash it at the deceased before stabbing her on the leg. The deceased died of excessive bleeding. The accused did not make any effort to take the deceased to hospital portraying a level of callousness. In the circumstances, I find that he does not deserve a non-custodial sentence.
6. I will sentence the accused to eight years imprisonment from date he was arraigned in court.
7. He has a right of appeal against conviction and sentence within 14 days.

DATED AT NAIROBI THIS 3RD DAY OF MAY, 2017.

LESIIT, J

JUDGE