

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

HIGH COURT CRIMINAL CASE NO. 79 OF 2015

REPUBLICPROSECUTION

VERSUS

CATHERINE WANJIRU NGERE.....ACCUSED

RULING ON SENTENCE

1. The accused was convicted for the lesser charge of manslaughter.
2. The court has considered that the accused is a first offender and that she has been on bond since November, 2015.
3. I have considered mitigation given by her counsel that since the death of the deceased the accused is now a single mother with 2 young children. The accused also indicated that she was remorseful for the offence.
4. The court called for a Probation Report before sentence. I have considered the Report. I note with relief that both families of the accused and deceased did come together, discussed the fateful incident and resolved their differences.
5. I noted that the family of the deceased were ready to accept the courts verdict on sentence.
6. I noted that the accused admitted hitting the deceased with a broken bottle which led to his bleeding and eventual death. She said that she realized the magnitude of her action and acknowledges that a life was lost as a result, which she regrets.
7. The Probation Report was positive to the accused and recommended a Probation sentence.
8. I have considered the circumstances of the offence. The accused was a wife of the deceased for four years. The deceased was drunk at the time of the scuffle. The scuffle was over the accused phone. The incident was unprecedented and that is the reason this court reduced the charge from murder contrary to **section 203** of the **Penal Code** to manslaughter contrary to **section 202** of the **Penal Code**.
9. The sentence for offence of manslaughter is life imprisonment under **section 205** of the **Penal Code**. That provision gives this court discretion to determine the nature of sentence to impose.
10. The accused has confirmed to court that she is willing to serve a Probation term. She has been warned about the conditions she must meet. That she should be of good conduct and should not commit any other offence for the duration of the sentence. That she should keep company of persons of good behaviour. She must obey the Supervising Probation Officer and adhere to conditions set by them.
11. The accused is now placed on Probation for a period of three (3) years. The Probation is directed to organize for Guidance and Counselling session for the accused.
12. Accused has right of appeal against conviction and sentence.

DATED AT NAIROBI THIS 14TH DAY OF JUNE, 2017.

LESIT, J

JUDGE

14/6/2017