

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 7 OF 2015

REPUBLIC.....RESPONDENT

VERSUS

WINNY CHEMUTAI.....APPLICANT

RULING ON SENTENCE.

The Accused had initially been charged with the offence of Murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. She later entered into a plea of agreement pursuant to Section 137 A & B of the Criminal Procedure Code and was convicted of the lesser offence of Manslaughter contrary to Section 202 as read with Section 205 of the Penal Code.

The offender as per the probation officer's report/ social inquiry is a 29 year old mother of two married as a second wife. The victim was a relative to her co-wife and there is still lingering resentments and bitterness between the two families. It is noted that the accused was treated as a first offender. The facts as presented by the prosecution are that on the 5th March, 2015 at 7.00pm the deceased went to the accused place of work and started beating her. A crowd gathered but did not intervene. She then took a kitchen knife used for cutting vegetables and stabbed the deceased on the neck, he bled and collapsed later succumbing to the injuries while at Litein Mission Hospital. It's apparent that there was provocation.

The Accused is sentenced to five (5) years imprisonment.

DELIVERED, SIGNED AND DATED THIS 13TH DAY OF APRIL, 2016.

.....

M. MUYA

JUDGE

In the presence of:

1. Mr. Lopokoyoit for the State
2. Mr. Mutai for the Accused
3. Kenei- court assistant