



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
HIGH COURT CRIMINAL CASE NO 43 OF 2014

REPUBLIC.....PROSECUTOR

VERSUS

CHARITY WAMBUI CHEGE.....ACCUSED

SENTENCE

1. The accused **CHARITY WAMBUI CHEGE** was initially charged with the offence of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. By a plea bargain agreement entered into by the accused and the State and accepted by the court the charges herein were reduced to manslaughter contrary to **Section 202** as read with **Section 205** of the **Penal Code** the particulars of which were that on 29/5/2015 at Huruma Kambi Moto Area in Starehe District within Nairobi County unlawfully killed PETER KINYANJUI.
2. The accused pleaded guilty to the said charge the factors of which were that on 29/5/2014 the deceased who was the husband of the accused arrived home drunk and found the accused preparing food. The deceased alleged that accused's cell phone was being answered by a man and a physical confrontation ensued between them before the accused took a kitchen knife and fatally stabbed the deceased.
3. In mitigation the accused stated that she was remorseful for her action which led to the death of her husband and the father of her children an event that will affect her for the rest of her life. Upon realizing the impact of her action, she called her neighbours and tried to assist the deceased get medical assistance. She stated that she is a mother of three minor children who now need her to provide for the best care.
4. To assist the court in passing an appropriate sentence the court ordered for a pre-sentencing social inquiry report in which on the victim impact assessment report it was indicated that the marriage between the deceased and the accused was characterized by violence that arose from excessive use of alcohol on the part of the deceased, cases of infidelity and short temper on the part of the accused. It was indicated that a brother of the deceased who spoke on behalf of the family stated that they did not harbour bitterness towards the accused.
5. It was stated that the accused was a 26 year old woman with a class eight (8) level of education who was in her second marriage, which marriage had been characterized with constant fights over suspicion of infidelity. The accused however was indicated to be willing to be guided, counseled and rehabilitated. It was therefore recommended that the same be placed on community rehabilitation program.
6. The objectives of sentencing upon conviction is to meet either of the following

- 1) Retribution – to punish the offender for his/her criminal conduct in a just manner.
- 2) Deterrence – to deter the offender from committing a similar offence subsequently as well as to discourage the people from committing similar offences.
- 3) Rehabilitation – to enable the offender reform from his/her criminal disposition and become a law abiding person.
- 4) Restorative justice – to address the needs arising from the criminal conduct such as loss and damages.
- 5) Community protection – to protect the community by incapacitating the offender.
- 6) Denunciation – to communicate the community’s condemnation of the criminal conduct.

7. Having taken into account the social inquiry report herein, the best interest of the accused three (3) minor children as per the provision of the Children Act the Victim Protection Act and the fact that we are living in an age characterized by physical degeneracy, mental stupor and spiritual death which causes people to act like the accused did, I am of the considered view and hold that the accused will benefit from rehabilitation program and therefore sentence the same to a three (3)year community service under the supervision of the officer in charge of Gikundi Location Mukurweini - Nyeri County and it is so ordered.

8. Should the accused commit a similar offence during the period she is under Community Service Order then the sentence herein shall be converted into prison terms for the period unserved.

DATED, DELIVERED and SIGNED at Nairobi this 18th day of July, 2016.

J. WAKIAGA

JUDGE

In the presence of:-

Mr. Magoma for the state

Mr. Gatumuta for the accused

Accused present

Tabitha court clerk