

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 80 OF 2014

REPUBLIC.....APPLICANT

VERSUS

TRUVENA KWAMBOKA NYAMONYO.....ACCUSED

SENTENCING

1. This is a case of manslaughter- through plea bargaining agreement entered into on 4th day of December, 2014. The facts briefly are that on 27th day of July, 2014 at 10p.m. the convict was in the house with her three young children when her mother came in a state of drunkenness, a quarrel between them ensued.

2. The deceased grabbed the youngest child of the convict from her and started fighting her. It was then that the convict took a panga and cut the deceased on the head. She died from these injuries at Kisii level 6 hospital where she was subsequently rushed.

3. She has no previous records of conviction. Thus she is treated as a first offender in the circumstances. In mitigation her defence counsel says, she is very remorseful about the incident that lead to her mother's death. She asks for mercy.

4. She is a young mother, has three children aged below ten years, she is a single mother as her husband died. The children require their mother's presence, love and affection. It is desirable that she goes back to her children to give them maintenance and upkeep necessary of the children from the mother, as there is none to ever provide for these children. The defence asks for non-custodial sentence. She must have learnt a lesson, being in remand, and promises not to repeat the same ever in future.

5. The probation report was filed on 2nd February, 2015. The victim's family are not ready to accept her. However, her maiden family are forgiving. They are willing to accept her and accommodate her during her rehabilitation period. The convict's mother, Shadrack Oyaro Nyamonyo is the one looking after her children. He is willing to accept her back at her maiden home and to support her. He prays that she be forgiven so that she can fend for her children. She is a hardworking person.

6. Accordingly, the convict is hereby sentenced to two years non-custodial sentence at her maiden home under the supervision of the probation officers.

7. It is so ordered.

Dated and delivered at KISII this 6th day of March, 2015

C.B. NAGILLAH,

JUDGE

In the presence of:

Okemwa for the accused.

Otieno for the state.

Edwin Mongare Court Clerk.