



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAKURU**  
**CRIMINAL CASE NO.79 OF 2012**

REPUBLIC.....PROSECUTOR

VERSUS

KINATI KIBOGI.....ACCUSED

**RULING ON SENTENCE**

1. KINATI KIBOGI was charged with the offence of **murder** contrary to **Section 203** as read with **Section 204** of the **Penal Code Chapter 63 Laws of Kenya**.
2. The Accused was tried and was convicted on a lesser offence of **manslaughter** contrary to **Section 202** as read with **Section 205** of the **Penal Code**.
3. In mitigation, counsel for the Accused stated that both the Accused and Deceased were drunk on the material date and it was the Deceased who first attacked the Accused.
4. The Accused be treated as a first offender and is remorseful for the unlawful act that led to the loss of his friend.
5. He pleads for leniency as he is of advanced age and a widower having lost his wife during the 2007 Post Election Violence (P.E.V.).
6. The Accused had also been in custody for a period of two (2) years.
7. The offence of manslaughter is a felony and carries a zero to life sentence but taking into consideration the above mentioned mitigating factors, particularly the age of the Accused and the period spent in custody, I hereby sentence the Accused to a term of Eight (8) years imprisonment.
8. The term shall commence from the date the Accused was first arraigned in court.

Orders accordingly.

**Dated, Signed and Delivered at Nakuru this 5th day of June, 2015.**

**A. MSHILA**

**JUDGE**