

REPUBLIC OF KENYA

IN THE HIGH COURT

AT MALINDI

CRIMINAL CASE NO.30 OF 2013

REPUBLIC.....PROSECUTOR

VRS

M A.....ACCUSED

SENTENCE

The accused person was convicted of the lesser of offence of manslaughter contrary to section 203 as read with section 205 of the Penal Code. I have gone through the Probation Officer's dated 30th July, 2015 as well as the evidence on record. It is clear to me that the accused is suffering from Tuberculosis (T. B). According to the medical reports from Malindi Sub County Hospital, the accused's type of T. B is a multi-drug resistance T. B.

The accused is 38 years old. The deceased was his step father. It appears that the accused acted in self defence. The deceased was drunk. The accused has been in custody since November 2013, a period of almost two years.

Given the circumstances of this case, I do find that a custodial sentence would not be appropriate. The accused is hereby sentenced to serve two (2) years probation sentence under the guidance of the Malindi Probation Office.

Dated and delivered at Malindi this 2nd day of June, 2015.

SAID J. CHITEMBWE

JUDGE