



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT KERICHO**

**CRIMINAL CASE NO. 50 OF 2011**

**REPUBLIC.....PROSECUTOR**

**VS.**

**CHARLES KAMAU NJUGUNA.....1ST ACCUSED**

**SALOME WANJIKU KAMAU.....2ND ACCUSED**

**RULING**

Both accused persons were charged with the offence of **Murder Contrary to Section 203 as read with Section 204 of the Penal Code** which was reduced to **Manslaughter** after plea bargaining.

They were therefore convicted of **Manslaughter Contrary to Section 202** as read with **Section 205 of the Penal Code**.

The circumstances leading to this unfortunate incident, are clear from the facts. The deceased who is said to have been an abuser of alcohol was found at the accused's house on the Church compound in unclear circumstances.

The social inquiry reports filed herein confirm that the accused persons are husband & wife.

They have been moving up and down as a result of the clashes that led to their displacement.

The couple has young children who need their guidance at these delicate stages of their lives.

The accused persons have been in custody since their arrest on 7<sup>th</sup> November 2011 ( A period of 3 years 8 months)

During their period of incarceration their young children have not had a steady upbringing given that they have had to stay with their 80 year old grandmother.

This is a case where the Court tampers Justice with mercy.

The reports filed by the Probation Officer are favourable.

I therefore Sentence each accused to **three (3) years probation**.

They are warned against re-offending.

Conditions explained to them.

**Dated, Signed and Delivered in open Court this 15<sup>th</sup> day of July 2015.**

**H.I ONG'UDI**

**JUDGE**

**In the presence of:**

M/s Mwangi for state

Mr. Nyaingiri for Motanya for accused

Both accused present.

Hillary – Court Assistant.