



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KISII**  
**CRIMINAL CASE NO.102 OF 2013**

**REPUBLIC**

**VERSUS**

**JACSON ISANDA NYANTARI - 1<sup>ST</sup> ACCUSED**  
**RAEL KWAMBOKA NYANTARI - 2<sup>ND</sup> ACCUSED**  
**OLPHA BOCHERE NYANTARI - 3<sup>RD</sup> ACCUSED**  
**TABITHA NYARANGI NYANTARI - 4<sup>TH</sup> ACCUSED**

**SENTENCE**

1. The accused persons are charged with the offence of **manslaughter contrary to Section 202** as read with **Section 205 of the Penal Code**. They pleaded guilty to the said charge and were duly convicted.
2. To enable the court to determine the appropriate sentence on each of the four, a Probation Report was called for and the same was filed in March 2015.

**On first convict:**

3. The convict is aged 75 years. She is a widow. Her children are grown ups, that have families of their own and they fend for themselves. She is an active member of SDA church. Her homestead was destroyed after this incident. However, her daughter is ready and willing to accommodate her with other relatives and well wishers in putting up a home for her.

The local administration and the local community have no objection if she is given non-custodial sentence. The same sentiments were echoed by the chairman of community policing Elsie location, Mr. John Angwenyi.

4. She is treated as a first offender as she has no record of previous offence.

**On second convict:**

5. Jackson Isanda Nyantari is aged 46 years. He has a wife and six children. Five of the children are still in school. He regrets the offence. The community members are receptive if given a non-custodial sentence as they view him as no threat to society. He is suitable for non-custodial sentence.

**On third convict:**

6. Rael Kwamboka Nyantari aged 27 years. She admits as charged but regrets the incident. The family members have expressed full support if the offender is considered for non-custodial sentence. The community members are also receptive and raise no objection if the convict is given a non-custodial sentence as they view her as no threat to community. The chairman of Community Policing Esise location echoes the same sentiments.

**Fourth convict:**

7. Olpha Bochere aged 48 years. She admits the offence but regrets remorsefully. The family members are willing to welcome her in the society, so are the community, they advocate and support non-custodial sentence.

**In Mitigation,**

All the four regret the death of the deceased, James Nyakoka Nyantari. He was a sibling to all and son to the 1<sup>st</sup> convict. The trouble arose from the purported sale of land engineered by the deceased. This was high provocation on the part of the deceased's family. What ensued was the death of the deceased. They all now regret it.

The sentence is as follows; in respect of:

1. Tabitha Nyarangi – set free, due to her age.
2. Jackson Isanda Nyantari - Sentenced to one year non-custodial, under the Supervision of the Probation officer.
3. Rael Kwamboka Nyantari - sentenced to one year non-custodial Sentence, Under the supervision of the Probation Officer.
4. Olpha Bochere Nyantari - sentenced to one year non-custodial sentence Under the supervision of the Probation Officer.
8. It is so ordered.

**Dated, signed and delivered in open court at Kisii this 10<sup>th</sup> day of July, 2015**

**HON. C. B. NAGILLAH**

**JUDGE**

**In the presence of:**

- Otieno for State
- M/S Momanyi for 4 accused persons

- Samuel Omuga: court clerk