

REPUBLIC OF KENYA
IN THE HIGH COURT AT HOMA BAY
CRIMINAL CASE NO. 43 OF 2014

BETWEEN

REPUBLIC PROSECUTOR

AND

GEORGE GADAFI WAO ACCUSED

SENTENCE

The accused, **GEORGE GADAFI WAO** was originally charged with the murder of **JARED OKOTH GUNDO** on 27TH September 2014 at Kachien South sub location, Rachuonyo South District, Homa Bay County. He has now pleaded guilty to a lesser charge of manslaughter as a result of a plea bargain.

The court had the advantage of hearing 3 witnesses and the brief facts were that on the material day, the deceased was ferrying motorbike passengers from Holo market, while the accused was riding next to him. The accused took a slipper from the deceased passenger and later on while at Holo market, the deceased confronted the accused over the slipper and a quarrel ensued. The accused went home returned with a rungu and hit the deceased on the head. The deceased succumbed to the injuries.

I have considered the mitigation and circumstances of the case. The accused is a young man aged 23 years and has had unfortunate circumstances of being an orphan. Although he is remorseful, the court cannot lose sight of the fact that a life was lost.

I therefore sentence the accused to four (4) years imprisonment. Such term shall take into account the time served.

DATED and DELIVERED at HOMA BAY this 7th day of JULY 2015.

D.S MAJANJA

JUDGE

Ms Andabwa, Prosecuting Counsel, instructed by the Director of Public Prosecutions for the State.

Ms Mimba, instructed by Mimba and Company Advocates for the Accused.