

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MIGORI

HCCR NO. 20 OF 2014

(Formerly Kisii High Court HCCR NO. 76 OF 2011)

STATEPROSECUTION

VERSUS

SAMSON KEGOKA NYAMOHANGA ACCUSED

SENTENCE

The accused was charged with the murder of **Thomas Mwikwabe**. The particulars of the offence were that on 15th October 2010, he murdered the deceased at Masaba Village, Kuria West District. He pleaded not guilty and the trial commenced. After a plea bargain he has now pleaded guilty to manslaughter.

The facts of the case are that the accused attacked with an arrow the deceased who had gone to rescue one **Samuel Chacha**. The attack appeared to arise out of a land dispute between the deceased's family and accused's family.

The accused is a first offender and taking into account that he took the law in his own hands, by arming himself with weapons and shooting at an otherwise innocent victim, I am of the view that a custodial sentence that reflects the gravity of the offence is warranted.

I therefore sentence the accused to fifteen (15) years imprisonment. Such time to take into account the time he has served in custody while awaiting trial.

Dated, signed and delivered in Open Court at Migori this 20th day of July, 2015

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D. S. MAJANJA

JUDGE