

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 80 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

MARGARET NDUNGE MUTUA.....ACCUSED

SENTENCE

Margaret Ndunge Mutua was tried by this court for the offence of murder contrary to section 203 read with section 204 of the Penal Code. This court found that the offence of murder had not been proved as required by the law. It found the charge of manslaughter proved and convicted Margaret. She mitigated before the sentence was passed by telling the court that she was very remorseful for the death of the deceased Jackson Kimeu who was her husband; that the incident leading to the death of her husband happened as a result of a domestic quarrel between the two of them; that she acted on the spur of the moment and that she has been in custody since 2012. She said she was left with a seven year old son to take care of and asked the court to exercise leniency and give her a non-custodial sentence to enable her reorganize her life and take care of her child.

I have considered the circumstances under which the deceased died. It is my view that there are better ways to resolve domestic disputes than to resort to physical confrontation. I have noted that the accused was actually found administering first aid to her husband and that had he been taken to hospital in time, his life would perhaps been saved. I have considered the accused is remorseful and that she has stayed in custody from October 2012 to date, a period of three years. With these factors in my mind, I do hereby sentence the accused to serve seven (7) years custodial sentence. Given that she has stayed in custody for three years, her sentence period is reduced by those three years. This means that Margaret Ndunge Mutua shall serve four (4) years custodial sentence. It is so ordered.

Dated, signed and delivered in open court this 19th day of October 2015.

S.N. MUTUKU

JUDGE

In the presence of:

Ms Ikol, prosecution counsel

Mr. Wamwayi, defence counsel

Ms Margaret Ndunge Mutua, accused

Mr. Daniel Ngumbi, Court Clerk