



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT EMBU**

**CRIMINAL CASE NO.17 OF 2013**

**REPUBLIC.....ACCUSED**

**VERSUS**

**HENRY MWANIKI NYAGA .....PROSECUTOR**

**RULING ON SENTENCE**

The accused herein was initially charged with murder contrary to section 203 as read with section 204 Penal Code. Later after plea bargaining he was ready to plead guilty to manslaughter. And on 17<sup>th</sup> June 2014 he pleaded guilty and was convicted of Manslaughter. This Court called for a detailed social inquiry report which has now been presented by Mr. Ikandi -Probation Officer.

From the report after interview of the family members, it comes out clearly that both the deceased and accused were drunk prior to the incident. The cause of the fight was that the deceased had been favoured by his father-in-law who gave him a casual job instead of the accused who had been promised the said job. The report shows that the family is willing to have the accused back into the family set up and assist him rebuild his life. The Probation Officer dealing with this matter must do sufficient counselling on the accused and all family members in particular the deceased's wife and children in order to have the accused fully integrated back into the family. Based on the facts of this case and detailed social inquiry report presented, I find the accused to be a good candidate for Probation.

I therefore place him on three (3) years' Probation. The conditions are explained to him.

**DATED, SIGNED AND DELIVERED AT EMBU IN OPEN COURT THIS 16<sup>TH</sup> DAY OF JULY 2014.**

**H.I. ONG'UDI**

**J U D G E**

**In the presence of;**

Mr. Miiri for State

Momanyi for accused

Accused

Jane Ongachi For probation

Njue – C/c