



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KERICHO**  
**CRIMINAL CASE NO. 8 OF 2013**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**RICHARD SAMBU.....ACCUSED**

**RULING ON SENTENCE**

This offence occurred on 13/2/2013 at 6.00pm. Accused was charged with murder contrary to **Section 203** as read with **Section 204** of the **Penal Code** and was later convicted of Manslaughter contrary to **Section 202** as read with **Section 205** of the **Penal Code** after a plea bargaining arrangement. The facts indeed confirm that there was a misunderstanding between the accused and the deceased. Despite the fact that the deceased had a panga, there is no evidence that he used it against the accused. Even the allegation of stones having been thrown at the accused is neither here nor there as he was never injured by any of the stones. The hitting of the deceased on the head by the accused using a stick or fencing pole was uncalled for. It was not what one would call accidental, and the provocation was not that serious. The Probation Report recommends Probation. I have considered

- i. The circumstances of the case,*
- ii. The 1½ years the accused has been in custody.*
- iii. The social report by the Probation Officer.*

In my opinion a sentence of three (3) years is appropriate but on the following conditions.

1. Accused will serve the first eighteen (18) months in Prison (imprisonment).
2. The remaining eighteen (18) months will be served on probation.

**Dated, signed and delivered in open court this 10th day of November, 2014.**

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**H. ONG'UDI**

**JUDGE**

**In the presence of:**

M/s Munyolo for State

M/s Ong'anyi for accused

Rotich- court assistant