

REPUBLIC OF KENYA

High Court at Embu

Murder Case 1 of 2008

REPUBLIC.....PROSECUTION
VERSUS

MUTHAMA NDETI MWANGILI.....ACCUSED

SENTENCE

After convicting the accused on a reduced charge of manslaughter this Court called for a detailed social inquiry report before sentence. The report has given a true picture of what transpired. It has also confirmed that the accused lost his wife while he was in Prison. It has also confirmed that the accused's children who are still young are staying with relatives which is not very healthy for them.

Considering the circumstances that led to the commission of the offence and the fact that the accused has been in Prison custody since 14/2/2008, I do find that a period of 5 years incarceration has taught him a lesson. The children need him more than anything else.

The social inquiry report on the accused is very positive. I therefore discharge him under **Section 35(1) of the Penal Code unconditionally.**

DELIVERED, DATED AND SIGNED AT EMBU THIS 12TH DAY OF APRIL 2013.

H.I. ONG'UDI

JUDGE

In the presence of:-

Mr. Miiri for State

Mr. Ithiga for accused

Mr. Githinji Karuri holding brief for family of deceased

Accused

Njue CC