



REPUBLIC OF KENYA

**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**

**Criminal Case 109 of 2008**

**REPUBLIC**

**-VS-**

**LEINDOI SINYOKO LOIMINI**

**SENTENCE**

The accused is a first offender who has pleaded “guilty” to the lesser but cognate offence of Manslaughter, contrary to Sec. 202 as read with Sec. 205 of the Penal Code, Cap. 63, Laws of Kenya. From the facts it is apparent that the accused is a security guard at Boy’s Pub, Dandora — Phase II. When the accused saw a fight between the deceased, Veronica Wanjiru and John Maina — he intervened to stop them. Unfortunately, the deceased provoked him by assaulting him with a stick. The P3 from confirms that the accused sustained an injury related to the incident. Acting in self-defence, the accused grabbed the same stick and also assaulted the deceased who died on the same day. Obviously, the deceased acted in an aggressive, hostile and belligerent manner and was obviously the author of his own death.

In view of the above unfortunate and regrettable circumstances, I hereby conditionally discharge the accused. The accused should **not** commit any offence within the next 12 months. In the event that he commits any offence then he will be punished for the present offence. Accused should be released forthwith unless held lawfully.

Right of appeal explained.

**MUGA APONDI**

**JUDGE**

**5<sup>TH</sup> MAY, 2009**