



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MAKUENI
COUNTY COURT NAME: MAKUENI HIGH COURT
CASE NUMBER: HCCRC/23/2017
VS THE REPUBLIC AND JAMES MUINDE MUSYOKA

RULING

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT
MAKUENI
CRIMINAL CASE NO 23 OF 2017

REPUBLI
C
VERSUS

JAMES MUINDE MUSYOKI.....ACCUSED

SENTENCE RULING

1. On 8/1/2026 the accused was found guilty of **Manslaughter Contrary to Section 202** as read with **Section 205** of the **Penal Code**.
2. He unlawfully caused the death of his father Musyoki Muinde on 26/8/2017.
3. Upon his conviction through his Counsel, Mr. Hassan he mitigated for a non-custodial sentence.



4. The State on its part through, Mr. Musyoki for DPP, was of the view that a non-custodial sentence was not suitable in the circumstances of the offence as manslaughter is a serious offence carrying a sentence of life imprisonment.
5. I sought a Pre-Sentence Report from Probation and After Care Services PACS.
6. It is recommended that the offender be placed on Probation Supervision for three years.
7. **The Penal Code** provides

205. Punishment of manslaughter

Any person who commits the felony of manslaughter is liable to imprisonment for life.

8. The Accused Person herein killed his father, denied it and spent 9 years in Remand.
9. Today the PACS Report indicates that the family sat down (post-conviction) and decided that they were forgiving him. While that is a welcoming move, it can only be considered as a mitigating factor, a demonstration that the family and community are willing to have him back to the community. Otherwise, from the offender's explanation he was always aware of the circumstances, and so was the family but he has spent 9 years in remand custody pending the trial of this case.
10. What then is the appropriate sentence?
11. I have considered the mitigation by the Accused Person. I have considered the circumstances of the case and the PACs report I have also considered the period he has spent in remand custody. I have taken into account the guidance for the SPG's 2023 on sentencing.

The accused is a first offender and has expressed remorse.

He is sentenced to 15 years' imprisonment to start from the day he was remanded in custody on 28/8/2017 in accordance with s. 333(2) of the Criminal Procedure Code Orders accordingly

Dated, signed and delivered virtually on 5th March 2026

Mumbua T Matheka



Judge

Chrispol/Daniel CA

Accused present Ms. Amol for State

Mr. Hassan for the accused

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SIGNED BY/FOR:
LADY JUSTICE MATHEKA, TERESIA MUMBUA

