



**Director of Public Prosecution v Barasa (Criminal Case E041 of 2022)
[2024] KEHC 1734 (KLR) (22 February 2024) (Sentence)**

Neutral citation: [2024] KEHC 1734 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE E041 OF 2022
SC CHIRCHIR, J
FEBRUARY 22, 2024**

BETWEEN

DIRECTOR OF PUBLIC PROSECUTION REPUBLIC

AND

JACOB MUTEVESI BARASA ACCUSED

SENTENCE

1. The accused herein was initially charged with murder contrary to section 203 as read with section 204 of the [Penal Code](#). Pursuant to a plea bargain, he pleaded guilty to manslaughter contrary to section 202 as read with section 205 of the [Penal Code](#).
2. In mitigation, through his counsel, the accused told the court that he was a first offender,; that he was remorseful and he has a family to take care of; that he has mended his ways, and prays for leniency.
3. The prosecution did not make any submissions. A pre-sentencing assessment was carried out by the probation office at the request of the court.
4. The findings of the probation officer are that the Accused used to deal with narcotics , abused bang and alcohol, and would get violent when he was under the influence of the said substances
5. It is further reported that the deceased had previously been a victim of domestic violence occasioned by the accused.
6. I have considered the findings of the probation officer as well as the accused’s mitigation.
7. Remorse and being a first -offender are mitigating factors, and I have taken this into consideration. I have also taken into account the fact that the accused has pleaded guilty at the earliest stage of these proceedings. This too is a mitigating factor.



8. However, the probations officer investigating shows that the accused had a history of violence, that the violence inflicted on the deceased that material day was not the first.
9. Taking into account both aggravating as well as the mitigating factors, the accused is hereby sentenced to 10 years in prison. The sentence will run from 30.9.2022 being the date when he was first arraigned in court.

DATED, SIGNED AND DELIVERED IN COURT THIS 22ND DAY OF FEBRUARY, 2024

S. CHIRCHIR

JUDGE.

