



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KABARNET**

**CRIMINAL CASE NO. 12 OF 2017**

**REPUBLIC.....ODPP**

**VERSUS**

**CHRISTINE BOIT.....1<sup>ST</sup> ACCUSED**

**KIPKEMOI LOMUKUSE.....2<sup>ND</sup> ACCUSED**

**VICTOR ARGUT.....3<sup>RD</sup> ACCUSED**

**ALFRED BIWOTT.....4<sup>TH</sup> ACCUSED**

**KIPKEMOI SERGON.....5<sup>TH</sup> ACCUSED**

**SENTENCE**

1. I have taken into account that the accused is a 1<sup>st</sup> offender.
2. I have also taken into account that the accused was in pre-trial custody for eight months, which has to be taken into account in accordance with section 333(2) of the Criminal Procedure Code.
3. I have further taken into account that the accused takes care of her crippled husband who uses a wheel chair and is sickly suffering from arthritis.
4. Furthermore, I have also taken into account the accused has heavy family responsibilities of taken care of her eight children, four of whom are below 5 years.
5. I have not lost sight that a life of a 20 year old deceased has been lost. Additionally, I have taken into account that the deceased suffering assault wounds in the head, that caused his death.
6. The deceased although a habitual thief should have been arrested and charged in court.
7. After taking into account all the mitigating and the aggravating circumstance, I find that it is in the interests of justice that the accused should be sentenced to a non-custodial sentence.
8. In the premises, I sentence the accused to a conditional discharge under section 35 of the Penal Code for one year on condition that she commits no other offence.

9. If she so commits another offence she will be brought back for re-sentencing for this offence of manslaughter.

**SENTENCE DATED, SIGNED AND DELIVERED IN OPEN COURT AT KABARNET THIS 29TH DAY OF SEPTEMBER 2021.**

**J M BWONWONG'A, J**

**29/9/21**

**In the presence:**

Mr. Kemboi, Court Assistant.

Mr. Mongare for the Republic.

Mr. Kipkulei holding brief for Mr. Kemboi for the accused.



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