



Case Number:	Criminal Case 16 of 2003
Date Delivered:	10 Mar 2010
Case Class:	Criminal
Court:	High Court at Kakamega
Case Action:	Sentence
Judge:	Isaac Lenaola, Said Juma Chitembwe
Citation:	REPUBLIC v GERALD AMUDAVAGWA [2010] eKLR
Advocates:	Mr. Anziya for the accused.
Case Summary:	-
Court Division:	-
History Magistrates:	-
County:	Kakamega
Docket Number:	-
History Docket Number:	-
Case Outcome:	Accused sentenced to serve one year imprisonment.
History County:	-
Representation By Advocates:	One party or some parties represented
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-

The information contained in the above segment is not part of the judicial opinion delivered by the Court. The metadata has been prepared by Kenya Law as a guide in understanding the subject of the judicial opinion. Kenya Law makes no warranties as to the comprehensiveness or accuracy of the information.

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KAKAMEGA**

**Criminal Case 16 of 2003**

**REPUBLIC ..... PROSECUTOR**

**V E R S U S**

**GERALD AMUDAVAGWA ..... ACCUSED**

**S E N T E N C E**

The accused person is charged with the offence of Manslaughter contrary to *section 202* as read with *section 205* of the Penal Code. The particulars of the offence are that on the 15<sup>th</sup> day of September, 2002 at Mwilisa village, Cherogere sub-location, East Busali Location, in Vihiga District, Western Province, the accused unlawfully killed Hassan Ongote. The accused pleaded guilty to the charge.

The deceased and the accused were brothers. They were both drunk on the material day and started quarrelling near their home. Their mother, Florence Luvai tried to intervene but the accused picked a steel rod and hit the deceased once on the forehead. The deceased suffered head injuries and died before he could be taken to hospital. A post mortem done on 19<sup>th</sup> September, 2002 by Dr. Jumba opined that the cause of death was severe head injury.

Mr. Anziya for the accused in mitigation submitted that the accused is remorseful. He is a Youngman and is married with one child. He is the sole breadwinner for the family and has been in custody for seven years.

Taking into account the circumstances of the case, I do find that the accused's act was irrational. The deceased was his brother and was not armed. There was no reason to attack him. I do take note of the fact that the accused has been in custody since September, 2002. The accused is hereby sentence to serve one year imprisonment.

**SAID J. CHITEMBWE**

**JUDGE**

*Delivered, dated and counter-signed at Kakamega this 10<sup>th</sup> day of March, 2010*

**ISAAC LENAOLA**

**JUDGE**



While the design, structure and metadata of the Case Search database are licensed by [Kenya Law](#) under a [Creative Commons Attribution-ShareAlike 4.0 International](#), the texts of the judicial opinions contained in it are in the [public domain](#) and are free from any copyright restrictions. Read our [Privacy Policy](#) | [Disclaimer](#)