



**Republic v Muthondio (Criminal Case 51 of 2019)  
[2024] KEHC 10523 (KLR) (26 August 2024) (Sentence)**

Neutral citation: [2024] KEHC 10523 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
CRIMINAL CASE 51 OF 2019  
SC CHIRCHIR, J  
AUGUST 26, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**PHILIP WAHOME MUTHONDIO ..... ACCUSED**

**SENTENCE**

1. The Accused herein was convicted of Murder following a full trial, before this court.
2. For purposes of sentencing , a social inquiry was carried out by the Director of Probation and Aftercare services and this court has had a chance to look at the said report.
3. In his mitigation through Miss Nafuye Advocate ,the Accused told the Court that he is a young officer, aged 26 years; that he has a young family who needs his care . He has further submitted that he is remorseful and that he has learnt his lessons; that he has a good standing in society and that his family is willing to rehabilitate him; he is a first offender and his job is at risk, he submits.
4. The social inquiry established that the Accused has a good standing within the Community, and his family.
5. Being a first offender and remorse are mitigating factors, and are positive consideration when determining the sentence. The possibility of a job loss is however not a mitigating factor.
6. I have considered the circumstances of the offence, which in my view aggravated the accused’s crime. There was evidence that pointed to the Accused trying to conceal his crime. For instance, the deceased was found holding the nozzle of his gun when by the deceased’s own admission, the deceased’s gun was not the one that caused the fatal injury. The deceased gun also had one live bullet missing while that of the Accused’s, which had been fired as per Accused’s own testimony had all the bullets. This



was an attempt to conceal evidence which is an aggravating factor pursuant to paragraph 23.1 of the Kenyan [\*judiciary sentencing policy guidelines\*](#).

7. Taking all the aforesaid into consideration. I hereby sentence the Accused to 20 years in prison. The sentence will take effect from the date of conviction.

8. Right of Appeal- 14 days

**DATED, SIGNED AND DELIVERED AT NAIROBI, VIA MICROSOFT TEAMS , THIS 26<sup>TH</sup> DAY OF AUGUST, 2024.**

**S. CHIRCHIR**

**JUDGE**

In the presence of :

Godwin- Court Assistant

The Accused.

