



**Republic v Tabu (Criminal Case 18 of 2020)
[2024] KEHC 10548 (KLR) (26 August 2024) (Sentence)**

Neutral citation: [2024] KEHC 10548 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE 18 OF 2020
SC CHIRCHIR, J
AUGUST 26, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

DAVID MALIKA TABU ACCUSED

SENTENCE

1. The Accused therein was convicted of Murder on 30/5/2024.
2. In Mitigation, his Advocate told the court that the Accused is a first offender; that he is a young man and has a family to take care of. He insist that he acted in self defence. He further submits that he is remorseful and regrets his offence. He prays for leniency.
3. The social inquiry done at the request of the court indicated that the Accused’s parents home was burnt by fellow villagers following the murder incident, it is apparent that burning of a suspects house is the local community’s way of expressing disapproval of the crime of murder and an avenue of excommunicating the offender from the community. At the time of the social inquiry the Accused’s family had gone and settled somewhere in Siaya County.
4. The social inquiry accounts reflect divergent observation by the two communities, and therefore I have not considered these views for purposes of this ruling.
5. However, being a first offender and remorse are mitigating factors. The circumstances of the offence as per the witnesses’ accounts show that the Accused’s actions were motivated by acts of self-preservation. He considered his business of selling illicit brews was under threats by the acts of the deceased. As pointed out by the prosecution, the business was illegal in any event. It was an act of self-centeredness and exaltation of economic survival, at the expense of human life. It is a twisted view of life which must be deterred



6. . It is also necessary that the Accused spends a term in prison which term will afford him a time for retrospection and hopefully, a paradigm shift in his values.
7. In view of all the foregoing, I hereby sentence the accused to 20 years in prison. The sentence will take effect from the date of his conviction.
8. Right of Appeal- 14 days.

DATED, SIGNED AND DELIVERED AT NAIROBI , VIA MICROSOFT TEAMS ,THIS 26TH DAY OF AUGUST, 2024.

S. CHIRCHIR

JUDGE

In the presence of :

Godwin – Court Assistant.

The Accused.

