



**Republic v Musa (Criminal Case 06 of 2013)
[2023] KEHC 2353 (KLR) (20 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 2353 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
CRIMINAL CASE 06 OF 2013
REA OUGO, J
FEBRUARY 20, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

ZADIQ WANYONYI MUSA ACCUSED

RULING

1. Zadiq Wanyonyi Musa was convicted of murder on the March 29, 2018 by Justice Abida Ali. The accused failed to attend court on the December 21, 2017 the date the judgment was to be read. The accused person didn't attend court on the date the judgment as read on the March 29, 2018. A warrant of arrest was issued on the December 29, 2017 and has been force since then. The accused was arrested in January 2023 and brought to court. He was informed of the judgment. I read it to him and thereafter sought a pre-sentence report. His counsel who was on record then Ms Wakoli attended court and continued to represent him.
2. The judgment read on the March 29, 2018 clearly states what lead to the deceased death. The accused was amongst the group of persons who attacked the deceased with an axe and cut him on the head. The deceased died a painful death.
3. I have considered the guidelines on sentencing . The accused is a 1st offender. The pre-sentence report indicates he is 34 years old. The report is favorable. However, it is noteworthy that accused person failed to turn up in court when he was required to do so and the court had to issue a warrant of arrest. His excuse that his counsel didn't inform him to attend court in my view is not persuasive at all.
4. A life was lost and the court found that the accused alongside others fatally injured the deceased. The deceased was a young man.
5. In exercising my discretion and noting the facts of the case, I find that a non-custodial sentence is not suitable in this case.



6. I therefore sentence the accused person Zadiq Wanyonyi to serve (20) twenty years in jail from the date of sentence.
7. The accused person has a right of appeal within 14 days.

DATED, SIGNED AND DELIVERED IN BUNGOMA ON THE 28TH FEBRUARY 2023.

R.E OUGO

JUDGE

2.2023

Before: Hon. R.E Ougo Judge

Accused: Zadiq Wanyonyi Musa

M/s Mukangu: State

Miss Wakoli : for accused (present)

Okwaro/Wilkister : Court Assistants

RULING ON SENTENCE READ VIA MICROSOFT TEAMS IN OPEN COURT ON THE 20.2.2023.

R.E OUGO

JUDGE

