



**Republic v Mutua (Criminal Case 52 of 2017)  
[2022] KEHC 15944 (KLR) (29 November 2022) (Sentence)**

Neutral citation: [2022] KEHC 15944 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MAKUENI  
CRIMINAL CASE 52 OF 2017  
GMA DULU, J  
NOVEMBER 29, 2022**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**MICHAEL WAMBUA MUTUA ..... ACCUSED**

**SENTENCE**

1. The accused herein was initially charged with murder contrary to section 203 as read with section 204 of the [Penal Code](#).
2. Thereafter, plea bargain was pursued and the charge was reduced to manslaughter contrary to section 202 as read with section 205 of the [Penal Code](#).
3. He pleaded guilty to the lesser charge of manslaughter, and has been convicted.
4. Before sentencing, this court called for and received a pre-sentence report, which I have considered. In the report dated July 20, 2022, the probation officer has recommended a probation sentence.
5. I note also that the two families entered into compensation arrangements, and agreements have been reached and documents filed in court. I have also considered that the accused is aged 32 years and has been in custody since 2010. He is a first offender.
6. Having considered all the above factors however, in my view, a non-custodial sentence is not appropriate as this court needs to discourage senseless killings.
7. I sentence the accused to serve three (3) years imprisonment.

**DELIVERED, SIGNED & DATED THIS 29<sup>TH</sup> DAY OF NOVEMBER, 2022, IN OPEN COURT AT MAKUENI.**

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**George Dulu**

**Judge\***

