

REPUBLIC OF KENYA

HIGH COURT OF KENYA

AT NAIROBI

MILIMANI LAW COURTS CRIMINAL DIVISION

CRIMINAL APPEAL NO. 44 OF 2019

JOHN MUCHIRI WANJIRU.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

COURT

I have gone through the presentence report and the supplementary copy thereof. In my considered opinion, there is the need to balance interest of the accused and the deceased. The accused is indeed a young man aged 28 years old. He has been aged in truancy from an early age and been a street victim. He did not benefit from advanced formal education. He has abused drugs from a very early age and indeed has been in conflict with the law enforcement for a long time as detailed in the report. although the mother was initially willing to accommodate him, in the subsequent report, she would rather have him serve the 25years.

In the same vein, the family of the deceased would rather he be in custody as already sentenced.

The pre-sentence report is not positive and in favour of the accused.

However, taking into account the fact that the accused is a first offender, and should as much as he requires time to rehabilitate himself,therefore, I reduce the sentence from 25 years to 15 years with effect from 13th June 2018, the date of arrest.

It is so ordered.

Dated, delivered virtually and signed on this 30th day of June 2021.

GRACE L. NZIOKA

JUDGE

In the presence of:

Ms Kibathi for the Respondent

Appellant present in person

No appearance for the appellant

Edwin Ombuna – Court Assistant