



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KIAMBU**

**CRIMINAL CASE NO. 43 OF 2016**

**REPUBLIC.....APPLICANT**

**VERSUS**

**SOLOMON CHUCHU KARAMI.....ACCUSED**

**RULING ON SENTENCE**

1. **SOLOMON CHUCHU KARIMI (Solomon)** was convicted of the offence of murder by the judgment of this Court of 6<sup>th</sup> March, 2021.

**FACTS**

2. Prosecution called six witnesses but the eye witness, whose evidence, the trial court Judge, *Justice C. Meoli*, confirmed as reflective of what occurred on the night in question was **ROBERT KABIRU NJOROGE**. This witness narrated that he was in the company of the deceased. They both went to the butchery of Solomon. The witness and the deceased were regular customers of Solomon at his butchery. They ordered some roast meat but an argument ensued between Solomon and deceased over change or debt which the deceased alleged Solomon owed him. The witness said that Solomon used a knife which he had to stab the deceased. The deceased subsequently succumbed to his injuries.

**ANALYSIS**

3. Sentence should be proportionate to the gravity of the offence. Solomon caused the death of a young man of 32 years old. The community expects the courts to denounce unlawful conduct. This is what was stated in the case **REPUBLIC VS. GABRIEL MARI GAKULI**. In that case, court citing another case stated:-

***“8. It is useful to consider what sentencing of an offender by the court means. This was discussed in the case R V PEARSON 2002 NBQB 218 (canLII) as follows:***

***‘...sentencing is the public pronouncement of punishment administered by the authority of the court as trustee of the public’s confidence. It ought to be imposed in a way that applies the rule of law, tempered with justice, administered with the knowledge, good conscience, instincts and experience of the judge and guided where appropriate by persuasive or binding precedent. In my view, the essential purpose of sentencing is to maintain respect for the law by which society chooses to regulate itself, thereby ensuring the peaceful enjoyment, order and safety of its citizens. The community expects the court to enforce its standards, to denounce unlawful conduct and to deal firmly but fairly with those persons convicted of crime. In determining a fit and proper sentencing, well-recognized principles have come to be applied in this jurisdiction. The primary consideration is always protection of the public. In addressing that primary concern, he sentencing judge is obliged to ask whether such protection may best be achieved by specific deterrence of the offender, general deterrence of those similarly disposed, rehabilitation of the offender, or some combination thereof.’”***

4. I have considered the pre-sentencing report by probation. Solomon is remorseful and regrets the life lost. Solomon is 35 years old and is a sole bread winner of a young family.

5. In my view, the sentence that would show that this Court denounces the unlawful act by Solomon, is imprisonment of 9 years.

**DISPOSITION**

6. **Solomon Chuchu Karami** shall hereby serve **NINE** years imprisonment for the offence of murder of **David Mwanda Maina**, deceased.

Orders accordingly.

***RULING DATED and DELIVERED at KIAMBU this 24<sup>th</sup> day of JUNE, 2021.***

**MARY KASANGO**

**JUDGE**

Coram:

Court Assistant..... Ndege

**Solomon Chuchu Karami:** .....Present online

For **Solomon Chuchu Karami:** ...Mr. Mathenge

For DPP: Mr. Kasyoka

**COURT**

Ruling delivered virtually.

**MARY KASANGO**

**JUDGE**