

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NYAHURURU

{Coram. C. Kariuki - J}

CRIMINAL CASE NO. 14 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

DAVID NYAGAAPPELLANT

SENTENCING

This is a case where the accused is charged with the offence of murder and has been convicted and the matter is for sentencing.

The circumstances of killing according to facts accepted by the court is that the deceased broke accused's window of the bar which made the accused to chase and attack accused and then throw him in the dam after injuring him thus inflicting injuries to him and causing him to drown.

The provocation of breaking the bar window is not a justification for taking law into his own hand by injuring and drowning the deceased.

The facts that he has 10 children and he is the sole bread weaner ought to have made him more cautious in being such violent and inhuman.

Thus the court has noted he is repentant and remorseful however he has to pay for the brutal act.

He is thus sentenced to serve 25 years imprisonment.

Right of appeal 14 days.

Dated, Signed and Delivered at Nyahururu this 17th day of December, 2020

CHARLES KARIUKI

JUDGE

PRESENT

SC Rugut for state

Henry Court Assistant

Ms Ogembo holding brief Mongeri for Accused