



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MERU**

**HIGH COURT CRIMINAL CASE NO. 50 OF 2013**

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**JUDITH KANANA MUGA .....1<sup>ST</sup> ACCUSED**

**DENNIS MUTUMA .....2<sup>ND</sup> ACCUSED**

**GLADYS KARANGI .....3<sup>RD</sup> ACCUSED**

**29/1/2019**

**Coram**

**Hon. Justice F.M GIKONYO J**

**C.C Mwenda**

**Ngugi for both accused persons**

**Accused 2 - I understand Kiswahili**

**COURT**

I have considered the mitigation by the defence counsel. I note that the accused persons are mothers of young children who will require motherly care. Whereas the accused person should have cared about their families before committing the heinous crime, I note circumstances of the case was a love triangle where the deceased was having intimate relationship with the husband of the 1<sup>st</sup> accused. In addition the report by the probation officer recommends rehabilitation of the accused.

For these reasons, I will spare the accused persons a custodial sentence. Instead I will place each under probation for 3 years. They shall be under supervision of Probation officer Githongo and shall abide by all terms and instructions of the probation should they commit any offence during or violate any of the terms of the probation, they shall be sentenced to a jail term for the original which is 10 years in jail. It is so ordered.

F. GIKINYO

JUDGE

29/01/2019