



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 88 OF 2013**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**MESHACK MUTWIRI.....ACCUSED**

**SENTENCING**

1. I have considered the presentation by Mr. Gitonga, that the accused is a first offender. I have considered, the able mitigation made on his behalf, that he is a young man in his early twenties.
2. I have taken into consideration that he has been in custody for close to six (6) years. That he is remorseful and may reform.
3. I have also considered the Presentence report dated 13/12/2018. Considering brutal manner in which the accused dispatched the victim, that her body lay in a well for nearly 7 days before it was discovered, the accused is not the type of a person on whom mercy should be extended to. It is not correct that he was under age at the time of arrest as she admitted that the National Identify Card that was produced at the trial was his. It showed that as at the time the commission of the offence and arrest, he was an adult.
4. The offence he is convicted of attracts a death sentence. However, having carefully considered his mitigation, I will spare him the death sentence and sentence him to life imprisonment.

It is so ordered. 14 days Right of Appeal explained.

**A. MABEYA**

**JUDGE**

**26/02/2019**