

REPUBLIC OF KENYA

IN THE HIGH COURT KENYA AT MERU

HIGH COURT CRIMINAL PETITION NO 151 OF 2018

REPUBLIC DPP

VERSUS

BENJAMIN NKUNJA KIRIAMANA ACCUSED

RE-S E N T E N C I N G

1. The Petitioner has petitioned that pursuant to the Muruatetu decision he be resented.
2. I have considered the mitigation. That he was a first offender. That he is remorseful and that he has learnt a trade for the time he has been in custody.
3. The state urged that the court do consider the seriousness of the offence.
4. Having considered the foregoing, I am alive to the fact that the petitioner's accomplice stabbed the victim on the thigh by use of a pen knife during the robbery and that they robbed their victim a total sum of kshs. 1,950/= considering the foregoing, I set aside the death sentence and substitute therefor with a sentence for 20 years imprisonment from 1st sentence. Right of appeal 14 days. Copy be supplied to accused.

A. MABEYA

JUDGE

28/6/2019