



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT CHUKA**

**HCCR NO. 9 OF 2017 (MURDER)**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**MIKE MUNENE.....1<sup>ST</sup> ACCUSED**

**ERICK MWITI MUGO.....2<sup>ND</sup> ACCUSED**

**SENTENCE**

This court has considered the mitigating circumstance put forward by both the prosecution and the convicts. This court agrees with the prosecution that the convicts really showed no mercy to the deceased despite pleading for mercy and should expect non from this court. It is true they may have been incensed by theft of their power saw machine but really ought not to have killed their cousin in such a brutal manner. Having considered all factors, I am satisfied that though a death sentence is prescribed by law under **Section 204 of Penal Code** the convicted persons do not deserve the intimate penalty. A custodial sentence will be commensurate with the crime they committed in the circumstance. They are each sentenced to serve **30 (thirty years)** in jail. Right of appeal 14 days.

**R. K. LIMO**

**JUDGE**

**25/7/2019**