

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NO. 96 OF 2014

REPUBLIC STATE

VERSUS

SAMUEL KARANJA KAMAU.....ACCUSED

SENTENCE RULING

1. Samuel Karanja Kamau (“Accused Person”) was charged before this Court with the offence of murder contrary to section 203 as read together with section 205 of the Penal Code. The Information states that the Accused Person murdered Stephen Waweru Waweru on 18/09/2014 at Munyeki Village, Munyeki Sub-location, Olkalau Division of Nyandarua County.
2. The Court convicted the Accused Person in a judgment dated 06/06/2019.
3. The autopsy report showed that the Deceased had a face injury and an open skull fracture with exposed brain tissue. The neck had markings with a fracture of the cervical column (at C2 and C3). The body also had an open fracture of the clavical left side and collapsed left side of the chest wall. There was no fracture of the upper or lower limbs. The liver was ruptured.
4. Evidence accepted by the Court showed that the Accused Person and the Deceased were friends. It is not clear what drove the Accused Person to so viciously assault his friend with a *jembe*; hacking him multiple times with such force that his skull cracked open and his liver ruptured. These are severe aggravating circumstances: the cruel manner in which death was inflicted. The attempt to conceal the murder is another sever aggravating circumstance: the Accused Person put the body inside some sacks and hid it under his bed. He then vanished.
5. The Court must weigh these aggravating circumstances against the following mitigating circumstances: that the Accused person is a first offender and that he is fairly youthful.
6. During the sentence hearing, the Accused Person did not strike the Court as remorseful at all. As aforesaid, the circumstances reveal a particularly depraved murder and a chilling attempt to conceal the crime.
7. Given this circumstances, the after considering all these factors, and after taking into account the four or so years the Accused Person was in custody during the pendency of the suit, I hereby sentence the Accused Person to imprisonment for twenty (20) years. This, in my view, is the fitting sentence which serves the deterrence, signalling and rehabilitative functions of sentencing in the circumstances of this case.
8. Orders accordingly.

Dated and Delivered at Nakuru this 25th day of July, 2019

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JOEL NGUGI

JUDGE