

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO. 47 OF 2008

REPUBLICSTATE COUNSEL

VERSUS

BENARD MATI KATHAMBAACCUSED

SENTENCING

1. I have considered the mitigation made by the accused. That he is a first offender. That he is a young man and full of life. That he is remorseful and has a young family depending on him.

2. I have also considered that he has been in custody for close to 10 years.

3 However, I have also taken into consideration the circumstances in which the offence was committed. That the accused savagely attacked the deceased, his blood brother.

4. I have considered the Pre-Sentence Report on record that is positive of the accused.

5. However, in view and the circumstances in which the offence was committed, a deterrent sentence would do. The maximum sentence provided for murder is death.

6. I will sentence the accused to life imprisonment.

14 days Right of Appeal explained.

DATED and DELIVERED at MERU this 21st day of MARCH, 2018.

A. MABEYA

JUDGE

21:03:18

In the presence of:-

Court Assistant: Boniface

Mr. Namiti for state

Ms. Nelima for Accused.