



**REPUBLIC OF KENYA**

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

**HCR NO 25 OF 2009**

**REPUBLIC.....STATE**

**VERSUS**

**VINCENT GIKUNDA MWIGWA.....ACCUSED**

**SENTECING**

1. I have considered the mitigation of the accused. That he is a first offender. That he has a child who is dependant on him. That he is remorseful.

2. I have noted the Pre-sentence Report on record is positive of the accused.

3. However, I have noted the circumstances under which the offence was committed. That the accused lured his estranged wife to surrender to him a 2 ½ year old child whom he savagely eliminated from this world and dumped its remains in a pit latrine. I do not think that a merciless father like the accused deserves mercy from this Court.

4. Accordingly, I sentence the accused to suffer death as per the law provided.

14 days Right of Appeal explained.

**DATED and DELIVERED at MERU this 21<sup>st</sup> 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