

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT GARISSA

CRIMINAL CASE NO. 29 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

MUSYA MULYUNGI.....ACCUSED

SENTENCE

1. I have considered that the accused has no recorded previous conviction and thus treat him as a first offender. The mitigating factors were highlighted by the defence counsel Mr. Onono. The deceased and the accused are cousins. What happened that evening might have been as a result of drunkenness. There is evidence of a struggle between the two.

2. However it is apparent that the accused used a knife knowing fully well that the deceased was unarmed. He also lied to a colleague sitting nearby that he had merely hit the deceased with a fist, while he had stabbed him viciously. That was a carefree attitude.

3. I sentence the accused to suffer death as provided for by law.

Dated and delivered at Garissa this 19 day of December, 2018.

.....

George Dulu

JUDGE