

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

HCCR CASE NO 93 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

JOHN MURURU KUBAI.....ACCUSED

SENTENCE

1. I have considered the able mitigation made on behalf of the accused. That he is a first offender, remorseful and family man. He has been in custody for close to six years. The submissions of prosecution as to sentence.
2. I have considered the circumstances under which the offence occurred. That the deceased was the cause of the commotion and that he provoked the accused with extremely provocative insult. That these were two brothers who fought in the presence of one of their parents resulting in death.
3. I have also considered the presentence report on record which is favourable to the accused.
4. Taking into consideration all the foregoing and the 6 years this period the accused has spent in custody. I sentence the accused to 3 years Probation under the Probation Officer, Igembe District. Right of Appeal 14 days explained.

A. MABEYA

JUDGE

18/12/2018