



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MARSABIT
CRIMINAL CASE NO.2 OF 2015
REPUBLIC
VERSUS
DABASO DUKICHA JASO
SENTENCE

19.12.2017

Before Hon. Justice Chitembwe – Judge

Prosecutor – Mr. Mwangangi for state

Court Assistant – Mr. Kashane

Accused – present

Interpretation English/Kiswahili

Mr. Nyenyire hold brief for Miss Muna

Mr. Nyenyire:

I have talked to Mr. Dabaso. The accused is 60 years old. He is a father of 3 and the sole bread winner. He regrets the circumstances under which the offence took place.

Mr. Mwangangi:

There was a life lost. The bible says life for life, bruise for bruise, and foot for foot. Given the grievous manner in which the offence was committed, bearing in mind the recent Supreme Court's decision, we pray for the death penalty. The circumstances of this cases calls for that sentence. Article 26(3) of the Constitution is applicable.

Mr. Nyenyire: Nothing to add.

Court:

I have read the report of the Probation Officer dated 14.12.2017. The report is favourable to the accused.

However, the fact of the case are that the accused took the law into his own hands. Even if there was a land dispute the accused ought to have exercised restraint. The deceased suffered a very painful death. She was stabbed from behind and died while undergoing treatment. The death sentence is no longer mandatory. Rembutive justice at time does not solve social problems. I do find that the accused should suffer a period in prison for his unlawful actions. The accused is hereby sentenced to serve eighteen(18) years imprisonment having taken into account his current age. Right of Appel is explained as 14 days.

Dated, Signed and Delivered this 19th day of December 2017

S. Chitembwe

Judge