

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT VOI

CRIMINAL CASE NO 2 OF 2015

REPUBLIC

VERSUS

WISDOM MWALUMBI MWASHINDO ALIAS MWANZIA

SENTENCE

1. I have listened to the submissions of the Accused person's counsel, Mr Kertiony and noted that the Accused person is very remorseful for the incident that occurred on the fateful day and only hopes that the hands of time could be rewound to undo what happened to the deceased person. I have also noted that the Accused person was not alone when the heinous act was committed on the deceased and others escaped before being arrested. It is unfortunate that others who participated in the death of the deceased have remained scot free leaving the Accused person to carry his cross and that of others.

2. Unfortunately, as the States Counsel Miss Anyumba has pointed out, the fact that the Accused person is remorseful does not lessen his guilty. The murder was most foul. Having coming to that conclusion, I find that my hands tied by the law as there is only one sentence mandated by the law for the offence of murder.

3. I regret that the Accused person is the only person paying the price for the death of the deceased person but unfortunately as I have said herein above, I have no discretion in the sentence that I can hand down to the Accused person.

4. Accordingly, having convicted the Accused person for the charge of murder of John Ngao, I have no option but hereby sentence the Accused person, Wisdom Mwalumbi Mwashindo alias Mwanzia to the one sentence that is prescribed by Section 204 of the Penal Code Cap 63 (laws of Kenya), that is to death. I regret that the Accused person's children may grow without a father in the event my decision is not overturned by the Court of Appeal but I must obey the law.

5. Right of Appeal within fourteen (14) days from today.

6. Orders accordingly.

DATED and DELIVERED at VOI this 28TH day of SEPTEMBER 2016

J. KAMAU

JUDGE