

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NO.50 OF 2010

REPUBLIC.....PROSECUTOR

VERSUS

JAMES EDAPAL LANGALON.....ACCUSED

RULING ON SENTENCE

The Accused was charged with the offence of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**.

On the 15th day of December, 2014 the Accused was found guilty of the offence and convicted accordingly. **Section 204** of the **Penal Code** provides for the death penalty for any person convicted of the offence of murder.

Counsel for the Accused in mitigation requested for leniency when passing sentence. That the Accused had two (2) wives and fifteen (15) children who were dependant on him for shelter, education and subsistence.

Prosecuting Counsel for the State in response stated that the above notwithstanding and even though the Accused was a 1st offender, the sentence should be in accordance with the Law.

I have taken into consideration the circumstances in which the offence was committed and the demeanor of the Accused thereafter. Even though the counsel for the Accused states that the Accused is remorseful, the manner the accused left the crime scene, smacks of insensitivity.. He made no effort to have the Deceased rushed to hospital after attacking her and left her unconscious and lying on the ground and proceeded to to his home.

Despite his age and very large family, it is the court's considered view that the law does not envisage a non-custodial sentence for such an offence.

The present status of the law is that Section 204 of the Penal Code provides for the only sentence to be meted out for the crime of murder is the mandatory death sentence. Refer to the Court of Appeal Decision in **Wilson Thirumbu Mwangi V. Republic** [2013] eKLR.

Accordingly, I hereby sentence the Accused to death as provided for under Section 204 of the Penal Code.

Orders accordingly.

Dated, Signed and Delivered at Nakuru this 26th day of June, 2015.

A. MSHILA

JUDGE

