

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 85 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

MUSA ADIKA MUDAVILA.....ACCUSED

Sentence

Musa Adika Mudavila was tried and convicted for murder of Douglas Oloo Kimonge, the deceased who had gone missing together with the car registration number KBR 440Z which he had been operating as a taxi on 24th December 2012. The decomposing body of the deceased was found in Kibera in Nairobi on 28th December 2012. The vehicle was found one month later on 24th January 2013 in Webuye. The accused failed to explain the circumstances under which he came by the vehicle.

The accused told the court upon conviction that he had no mitigation to make. The court called for the previous records of the accused before sentencing him. The prosecution counsel informed the court that the accused may be treated as a first offender.

The law under section 204 of the Penal Code provides only one sentence for murder. This is death. This court therefore has no discretion in the matter. In view of this I hereby sentence the accused, Musa Adika Mudavila to suffer death as authorized by the law. The accused has been informed of his right of appeal within fourteen (14) days from today's date. It is so ordered.

Dated, signed and delivered this 17th day of December 2015

S. N. MUTUKU

JUDGE

In the presence of:

Ms Macharia for the prosecution

Ms C. Odembo for the accused

Mr. Musa Adika Mudavila, the accused

Mr. Daniel Ngumbi, court clerk