

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

Criminal Case No. 18 Of 2009

Republic Prosecutor

V E R S U S

Jeska Osimbo Irene Accused

S E N T E N C E

The accused person was convicted of the offence of murder contrary to **section 203** as read with section **204** of the **Penal Code**. Counsel for the accused in mitigation submitted that the accused is 23 years old and she is remorseful. The accused pleads for leniency.

Under **section 204** of the Penal Code, the punishment for murder is the death sentence. **Section 204** is worded in mandatory terms and the word “*shall*” is used. However, latest trends in the judiciary have not been to sentence those found guilty of murder to suffer death. No one has suffered death for quite some-time. Given the circumstances of the case, I sentence the accused **Twenty (20)** years imprisonment.

DATED AT KAKAMEGA THIS 28TH DAY OF MAY 2014

SAID J. CHITEMBWE

J U D G E