



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYERI
CRIMINAL CASE NO. 39 OF 2009

REPUBLIC.....PROSECUTOR

-versus-

ELIUD NGANGA MWANGI.....ACCUSED

SENTENCE

1. The accused person was convicted of the offence of murder by Justice Serگون and the file placed before me for sentencing. In mitigation Mr. Mwangi for the accused stated that the same is remorseful and has been in custody since 2009. Mr. Cheboi for the state confirmed that the accused person was a first offender.

2. The court ordered a pre-sentence report which was filed on 24th July 2014 in which the probation officer stated that the accused was not remorseful of the act.

3. Having been convicted of the offence of murder, section 204 provides the sentences as follows

“Any person convicted of murder shall be sentenced to death”.

4. Whereas many countries have moved towards abolishing death sentence, the Kenya legislature has not taken any steps in that direction and therefore death sentence is still valid in Kenya where the law provides for it.

5. Having taken into account the pre-sentence report and noting that after killing the deceased the accused went a head and inserted a bottle in the private parts of the deceased whom he had been living with, I hereby sentence the accused to suffer death as provided for under the section 204 of the Penal Code.

Dated, signed and delivered at Nyeri this 17th day of September 2014.

J. WAKIAGA

JUDGE

17/9/2014

Before Justice J. Wakiaga

Court clerk - Ndungu

Mr. Mwangi for the accused

Mr. Njue for the state

Court: Sentence read in open court in the presence of the accused. The accused has 15 days right of appeal.

J. WAKIAGA

JUDGE