

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL CASE NO. 66 OF 2009

REPUBLIC.....PROSECUTOR

VERSUS

PHILEMON CHEMAS.....ACCUSED

SENTENCE

1. The accused was charged and convicted by this court of the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code (*Cap. 63, Laws of Kenya*). He was then called for mitigation in terms of Section 329 of the Criminal Procedure Code, (*Cap. 75, Laws of Kenya*), before sentence.
2. Counsel for the accused submitted that the Appellant is 46 years old, married and with eight children aged between 10 and 25 years to whom he is the sole bread winner. The Accused is remorseful and asks for a lenient sentence.
3. Ms. Ngovi, for the Republic told the court that the accused is a first offender. She urged the court to impose the sentence provided for under Section 204 of the Penal Code.
4. The evidence suggested that the accused ambushed the deceased with a *panga* and inflicted a fatal injury on her head. This court rejected the defences of insanity and provocation proffered by the Accused. It found that the accused, knowingly and with malice aforethought murdered his mother, Magdaline Kabon Chamas.
5. However is a first offender, and is remorseful. The deceased was his mother and the evidence suggested that he acted out of anger because his mother supported his wife's visit to her relatives. He did not give any thought to the consequences of his actions. Taking these factors into consideration I find that a sentence of 30 years imprisonment is appropriate in the circumstances.
6. It is so ordered.

Dated, signed and delivered at Nakuru this 17th day of October, 2014.

M. J. ANYARA EMUKULE

JUDGE