



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**CRIMINAL CASE NO.24 OF 2014**

**REPUBLIC .....APPLICANT**

**VERSUS**

**SHADRACK KEYA ANUNDA .....ACCUSED**

**SENTENCE**

1. This Court has heard the plea of mitigation made by the Accused's Counsel. The Court has also read the Pre-sentence Report prepared by the Probation Office. The Court has also given regard to the circumstances under which the offence was committed. These are my observations.
2. No doubt the Accused Person is remorseful. No doubt he has a young family of 4 children. No doubt the Probation Report is favourable to him and paints him as an honest responsible and hardworking young man. But the manner in which he attacked and killed his wife is disquieting. In circumstances which should not have called for rage he locked his wife in a room and repeatedly assaulted her. The postmortem report reveals the savage nature of the attack. The Deceased had several bruises on her hands and legs. She had deep cut wounds on her left knee and left hand. She had cut wounds on the left leg and calf muscles. She had several bruises and other marks suggesting caning or whipping. Surely, this is not the way to treat a wife whatever wrong she may have committed!
3. I reach a decision that a non-custodial sentence is not deserved: In reaching this decision I am not insensitive to the plight of his children. Fortunately for now the victims family is caring for them. I do hereby sentence the Accused Person to imprisonment for eight (8) years, effective from the date of his first Court appearance. Those are my orders.

**F. TUIYOTT**

**JUDGE**

**DATED, SIGNED AND DELIVERED AT BUSIA THIS 18<sup>TH</sup> DAY OF DECEMBER 2014.**

**IN THE PRESENCE OF:**

**KADENYI .....COURT CLERK**

**OWITI.....FOR STATE**

**JUMBA H/B .....FOR ACCUSED**