



**REPUBLIC OF KENYA**

**High Court at Kakamega**

**Criminal Case 4 of 2006**

**REPUBLIC ..... PROSECUTOR**

**V E R S U S**

**ANDREW CHITUBI MUSIEBA ..... 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**. Mr. Aburili, counsel for the accused submitted that the accused has a wife and four children. He is aged 42 years and is remorseful.

From the evidence on record, the deceased was a young lady aged 11 years old. She was sexually assaulted and then killed by the accused. I do find that the accused's action was beastly and does not deserve any mercy from the court. The punishment for murder is death sentence under our laws. The Court of Appeal has ruled that the death penalty is inhuman and degrading.

Taking the circumstances of the case, I do sentence the accused to serve twenty five (25) years imprisonment.

***Delivered, dated and signed at Kakamega this 31<sup>st</sup> day of January, 2013***

**SAID J. CHITEMBWE  
J U D G E**