

REPUBLIC OF KENYA

High Court at Kakamega

Criminal Case 14 of 2008

REPUBLIC PROSECUTOR

V E R S U S

JOSEPH KHATIAKALA 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. In mitigation, counsel for the accused submitted that the accused is remorseful. He is 58 years and is married with 11 children. He has been in custody since 2008.

Under the Kenyan laws, the punishment for murder is death sentence. The Court of Appeal has held that the death penalty is inhuman and degrading. I do note that the accused acted in a beastly manner. The deceased's family has been left without its bread earner yet there was no reason for the accused to assault the deceased. Taking the circumstances of the case and the accused's age, the accused is sentenced to serve 20 years imprisonment.

Delivered, dated and signed at Kakamega this 31st day of January, 2013

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