

REPUBLIC OF KENYA

High Court at Kakamega

Criminal Case 46 of 2008

REPUBLIC.....PROSECUTOR

V E R S U S

PATRICK ASATSA.....ACCUSED

S E N T E N C E

The accused person was found guilty of the offence of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. Mr. Mukabwa, counsel for the accused urged the court to be merciful on the accused. The accused is married with two children. He is aged 37 years old and is a first offender.

The circumstances of the case is that the deceased was the accused's mother who was quite elderly. The accused's action was uncalled for. The punishment for murder is death sentence. However, trial court have in some instances imposed prison sentence as the Court of Appeal has held that the death sentence is inhuman and degrading. Taking into account the mitigation, the accused is hereby sentenced to serve **Twenty (20)** years imprisonment.

Delivered, dated and signed at Kakamega this 7th day of February 2013

SAID J. CHITEMBWE
J U D G E