

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CRIMINAL CASE NO. 34 OF 2012

REPUBLIC

VERSUS

GILLIAN KATUMO SERENA APPELLANT

SENTENCE

I have considered the facts of this case as read out by the prosecution to the court. I have also considered the mitigation and the Probation Officer's report.

It is noted that there was a quarrel and a physical confrontation between the deceased and her son the accused. The dead tell no tales. The deceased sustained fatal injuries. The postmortem report reflects a vicious attack with several cuts on the head of the deceased and what is described in the postmortem report as defence injuries to the upper limbs of the deceased.

The accused sustained injuries which are described in the P3 form as **"harm"**.

The facts of this case establish that the accused overpowered the deceased and took the panga and cut the deceased several times on the head. The confrontation took place in the mother's (deceased) house.

The circumstances of this case are aggravated in that the accused went on to eliminate the mother after he had already overpowered her and taken the panga from her according to the facts read out. In the premises, this court is not inclined to mete out a non-custodial sentence. The accused is hereby sentenced to five (5) years imprisonment. Right of Appeal 14 days.

.....

B. THURANIRA JADEN

JUDGE

Dated and delivered at Machakos this 25th day of July 2013.

Further orders: Interpretation fee to be paid.

.....

B. THURANIRA JADEN

JUDGE