



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT EMBU**

**CRIMINAL CASE 16 OF 2009**

**REPUBLIC .....PROSECUTION**

**VERSUS**

**ANTHONY NDEGWA NGARI .....ACCUSED**

**RULING ON SENTENCE**

The accused person has been found guilty of murder. Section 204 Penal Code provides for a sentence of murder as death.

The Court is however enjoined to consider all the circumstances of the case plus the mitigation if any. The accused through his Counsel states that he is the family's bread winner. His wife suffers from breast cancer which of course has not been established. The brutality with which he murdered the deceased is not explainable. I do appreciate that he has a right to life and so did the deceased who died aged 28 years.

The accused appears to be in his early 30<sup>s</sup>. I find that he doesn't deserve a non-custodial sentence even after considering the period of about 3 years he has been in custody. He will therefore serve 40 years imprisonment.

Right of appeal explained.

**DATED, SIGNED AND DELIVERED AT EMBU THIS 26<sup>TH</sup> DAY OF JUNE, 2012.**

**H.I. ONG'UDI**  
**J U D G E**

**In the presence of;**  
**Mr. Okwaro for Momanyi for accused**  
**Accused – PIP**  
**Njue**