

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BUSIA
HCCR.CASE NO.11 OF 2009

REPUBLICPROSECUTOR

VERSUS

DAVID O. OBWASOACCUSED

S E N T E N C E

Accused differed with his brother the deceased in a drinking place. He followed him to his house later at night broke into the deceased's house and cut him severely all over the body in the presence of the deceased's wife. The deceased died as he was being taken to hospital. It is not clear why the differences arose at the drinking place. It is also not clear what would make the accused harbour such a serious animosity that he would later take a panga and follow the deceased to his own house to inflict such serious injuries.

The accused has been in remand for six years which the court will take into account. He regrets the killing of his own brother and seeks leniency. He left a wife and 8 children.

I have considered the above factors. The accused had no reason and has not told us any reason why he killed his brother except differences brought by drunkenness. He accordingly deserves a stiff sentence. He has been in remand for six years. It is the court's decision that he serves a further Two (2) years in prison.

Orders accordingly.

D.A. ONYANCHA

J U D G E

13/7/2011