



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT MACHAKOS

H.C.CR.C 1 OF 2008

REPUBLIC.....PROSEC.

VERSUS

1. M.W

2. D.N.W..... ACCUSED

RULING ON SENTENCE

1. I have read the Probation Officer's Report. Clearly the 1st accused stabbed his father, the deceased. He is 14 years old and the best sentence would be as follows:-
 - a. Let the 1st accused be committed to Shimo La Tewa Borstal Institution until he is 17 years of age for rehabilitation.
 - b. As for the 2nd accused, it is her fight with the deceased that triggered the 1st accused's actions and she is a person who acted with common intention with the 1st accused. She uttered the words "**today we are going to kill each other**" to the deceased, expressing her intention. She instigated her son and her husband died.
2. However, I note that she and the deceased were drunk and this may well mitigate the case against her.
3. I note more seriously that the 2nd accused is considered "evil" at home and she is a previous offender with a conviction on assault which she was still serving under Community Service. She is unfit to be released to society now. I hereby sentence her to serve 10 years in prison.
4. The final orders are:-
 - i. 1st accused to serve time at Shimo La Tewa Borstal Institution for 3 years. In the meantime to be remanded in custody at Machakos Police Station.
 - ii. 2nd accused to serve 10 (ten) years in prison.
5. Further order: Community Service Order made in Machakos Chief Magistrate's Criminal Case 921/06 is revoked.
6. Orders accordingly. Mention on 4/4/2008.

Dated and delivered at Machakos this 2nd day of **April** 2008.

ISAAC LENAOLA

JUDGE