



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

**AT MACHAKOS**

**Murder Case 10 of 2006**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**1. MWENDWA NGOLO**

**2. PETER NGOLO**

**3. PIUS NGOLO.....ACCUSED**

**2/5/2006**

**Coram**

**D.A. Onyancha ,J**

**Advocate for 1<sup>st</sup> accused- Sila**

**Advocate for 2<sup>nd</sup> accused – Kamanda**

**Advocate for 3<sup>rd</sup> accused – Sila/Kitua**

**Principal State Counsel for Republic**

**CC-Mateli**

**SENTENCE**

The accused in a mob composed of neighbours and villagers, attacked deceased at night in his house inflicting serious cut wounds from which he died, apparently instantly. They burnt his body inside the house. Deceased had evicted the 1<sup>st</sup> accused from the land in dispute and on which the 1<sup>st</sup> accused had his house in which he lived. The manner the eviction was conducted appears cruel and inhuman for brothers, and clearly infuriated the accused and the whole village. However, in the court's view, this bad conduct on the accused, gave nobody lawful authority to attack or kill or burn him in the house as the accused and their accomplices did. Mob justice is illegal and must never be tolerated by court and indeed by society. The kind of anger demonstrated in this case by both side is condemnable. The 1<sup>st</sup> accused was indeed poorly treated by deceased but he had no legal reason to mobilise the killing of deceased. Accused have been in remand for 5 months which will be taken into account. They are first offenders and have pleaded guilty. It is the courts decision that they will serve prison sentence of 4 ½ years each. It is so ordered.`

Dated and delivered at Machakos this 2<sup>nd</sup> day of **May, 2006.**

D.A. ONYANCHA

JUDGE

2.5.2006.