



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

**AT MACHAKOS**

**Criminal Case 22 of 2006**

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**JOSEPH MUTUA MBULI.....ACCUSED**

**28/6/06**

**Coram**

**D.A. Onyancha,J**

**Advocate for accused- Wambua**

**Principal State Counsel for Republic- Omirera**

**SENTENCE**

Accused and deceased were married. Accused suspected and got reports of infidelity of his wife. On the material day he suspected such infidelity with a house boy. She admitted the same but used a seriously disrespectful language and conduct. This infuriated accused who chased her and when he later caught her , stabbed her on the chest. This led to her death. There is no doubt therefore that the deceased provoked the accused. The main issue is whether he needed to use a knife to discipline her. The court sympathises with accused but cannot approve the method and violence he used. He used unnecessary force and violence. As a result he took away another's life. He has to carry responsibility for it.

Taking into account all the mitigating factors inclusive of the period in remand, the court has decided that the accused should serve a jail sentence of two (2) years. It is so ordered.

D.A. ONYANCHA

JUDGE

28.6.06