



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MACHAKOS**  
**Murder Case 9 of 2006**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JOHN MUTUA KITHUA.....ACCUSED**

**27.6.2006**

**Coram**

**D.A. Onyancha,J**

**Advocate for accused - Soo**

**Principle State Counsel for Republic –O'mirera**

**CC-Mueni**

**SENTENCE**

The accused stabbed his step - brother the deceased with a carving knife. It is not clear why the fight between them took place at a drinking house. It was the accused who had summoned the deceased outside the house before the fight broke out. It is suggested that they quarrelled about a contract which each of them wanted to have but when the accused sought to know why deceased also wanted the contract, deceased abused him and ran to the house, being chased by the accused. If this was so, it is not clear nor acceptable that the accused should use a knife when deceased appears not to have been carrying any weapon and apparently ran to avoid a serious fight. The accused had no reason to use a knife in the circumstances. He has been in remand for about six months. He is sorry. He is a first offender and seeks leniency. The court considering all the above circumstances and factors has decided to send accused to prison for a period of five (5) years. It is so ordered.

D.A. ONYANCHA

JUDGE

27.6.2006