

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MACHAKOS

Criminal Case 51 of 2003

REPUBLIC.....
PROSECUTOR

VERSUS

PATRICK WAMBUA MULINGE.....
ACCUSED

27.6.2006.

Coram

D.A.Onyancha,J

Advocate for accused –Nduva

Principal State Counsel for Republic –Omirera

CC- Mueni

SENTENCE

Accused stabbed the deceased after a short quarrel. There is evidence that the two did not go along well for a while. There is an indication that the provocation that led accused to take a knife and stab the deceased came from the deceased. There is evidence that the two abused each other and quarrelled before they fought. But the accused was not threatened with any dangerous weapon and it is not clear why he chose to pick a knife and use it. He is sorry and is a first offender. He prays for leniency and has been in remand for almost three years. Taking all the mitigation and other relevant circumstances into account, the court's decision is that the accused should serve a jail sentence of three(3) years. It is so ordered.

D.A. ONYANCHA

JUDGE

27.6.2006.