



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MACHAKOS**  
**Criminal Case 28 of 2004**

REPUBLIC.....PROSECUTOR

**VERSUS**

**1. PATRICK MUTETI KIOKO**

**2. TITUS MBATHA KIOKO**

**3. PIUS MUNYAO KIOKO**

**4. COSMAS MALULAKIOKO.....**

**.....ACCUSED**

**13.6.2006.**

**Coram**

**D.A.Onyancha, J**

**Advocate for all accused-Matata**

**Principal State Counsel – Omirera**

**CC-Mueni**

**SENTENCE**

Accused are brothers. They fatally assaulted the deceased who was their worker for failing to take cattle for grazing. They each regret the offence. They are first offenders. They pray for leniency. They have been in remand over four years. They do not show the reason and none is apparent as to why they had to so seriously assault deceased merely for failing to report on duty. They had a ground to dismiss him only, not to assault him. They however regret their conduct and have been in remand for 4 years for 1<sup>st</sup> and 2<sup>nd</sup> accused and 5 years for 3<sup>rd</sup> and 4<sup>th</sup> accused, which this court takes into account. Taking the mitigating factors into account, it's the view of the court that the 1<sup>st</sup> and 2<sup>nd</sup> accused will serve a jail sentence of nine months and 3<sup>rd</sup> and 4<sup>th</sup> accused a jail sentence of twelve months.

It is so ordered.

D.A. ONYANCHA

JUDGE

13/6/06