

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MACHAKOS
Criminal Case 16 of 2004

REPUBLIC
PROSECUTOR

VERSUS

PETER KIMONDIU MUTUNGI
ACCUSED

13.6.06

Coram

D.A. Onyancha ,J

Advocate for accused- Sila

Principal State Counsel- Mr. O'mirera

CC-Mueni

SENTENCE

Accused fatally assaulted deceased with a panga after a quarrel in deceased's house where accused had visited, apparently while being drunk. He is the one who picked the quarrel. He may have been unhappy about deceased behaviour while her husband, who was accused's brother, was absent. But he had no excuse to cut the deceased on the head with a panga. Drinking was not an excuse for him to commit the offence. He is however regretful and has been in remand just over 5 years. He prays for leniency. It is difficulty to excuse a person who uses a sharp weapon like a panga. Considering all mitigating factors including the long period in remand, it is the court's decision that he should go to jail for 15 (fifteen months).

It is so ordered.

D.A. ONYANCHA

JUDGE

13.6.06