



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**CRIMINAL CASE NO. 20 OF 2000**

**REPUBLIC ..... PROSECUTOR  
VERSUS  
JOEL MURIMI MWENDA ..... ACCUSED  
SENTENCE**

The accused had initially been charged with the offence of murder contrary to Section 203 as read with 204 of the Penal Code. The same was however reduced to a charge of manslaughter contrary to section 202 as read with Section 205 of the Penal Code. He pleaded guilty to both the charge and the facts therein. The incident is a very unfortunate one as what would otherwise have been a peaceful evening turned out tragic. There is no doubt the deceased played a role in provoking the accused by following him further away from the premises he had just evicted accused from. However this was no excuse for the accused to have used such extreme force by stabbing the deceased.

I have taken into consideration the fact that at the time the accused was aged around 16 years and is now aged 18 years. I agree he is a young person who has a chance to reform. Our prisons are not meant to otherwise harden those who are ready to change their lives.

I have also considered the fact that he has been in custody for about 2 years. It is with this in mind that I shall sentence him to serve 2 years imprisonment.

**Dated and delivered this 10th day of May 2001.  
P.M. TUTUI  
COMMISSIONER OF ASSIZE**