



REPUBLIC OF KENYA



**Republic v Nagib (Criminal Case E002 of 2022)  
[2024] KEHC 235 (KLR) (19 January 2024) (Sentence)**

Neutral citation: [2024] KEHC 235 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL CASE E002 OF 2022  
A. ONG'INJO, J  
JANUARY 19, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**ABDUL MAJID NAGIB ALIAS MAJID ..... ACCUSED**

**SENTENCE**

1. The accused Abdul Majid Nagib alias Majid faces a charge of murder contrary to section 203 as read together with section 204 of the [Penal Code](#).
2. Particulars of the offence are that Abdul Majid Nagib alias Majid on an unknown date between the 16<sup>th</sup> day of December 2021 and 18<sup>th</sup> day of December 2021 at Bondeni area in Mvita sub-county within Mombasa County murdered Nagib Abdalla Fate.
3. The accused was found guilty of the of murder and convicted. Upon conviction, the Accused person's advocate made mitigation on his behalf and said that he was a young man and a first offender who had a good relationship with his father, the deceased herein. Mr. Obonyo Advocate asked the court to consider the sentiments of the family and give the accused a lenient sentence.
4. Subsequently the court called for Victim Impact Statement and Pre-Sentence Report as well as a Psychologist Report. Pre-sentence report was filed on 28<sup>th</sup> November 2023 and in conclusion, the Probation Officer, Mr. Kioko says that the accused committed the offence when he was experiencing stress and depression. That he is remorseful and prays for mercy of the court. That it is also indicated that family members had come to terms with the incident and had forgiven him. They indicated that they have plans to help him recover from the traumatic experiences that caused him to commit the offence. The accused person also prayed to be given a chance on non-custodial measures on condition that he observes the court order and all the regulations. It is also indicated in the Pre-Sentence Report



that the family members had resolved all the issues and they relate well and there no report of enmity or bad blood that exists among them.

5. The Victim Impact Statement dated on 28<sup>th</sup> November 2023 was also filed by Mr. Kioko, the Probation Officer who established that the victim suffered severe psychological trauma and were affected by the sudden murder of their family member who bore key duties and obligations in the family. Those interviewed said they had never gone through such grief before and that they often remember the incident which still causes deep fear and traumatic memories which will take some time before it can be erased from their minds. The secondary victims have however urged the court to forgive the accused and allow them to have him back as continuous imprisonment might have a negative impact on him. They feel he was sick and not himself at the time that he committed the offence. They are however 2 members of the family who feel that the accused committed an inhumane act and the law should be applied as is.
6. A report by the Psychologist Rosemary Kaberenge was filed on 11<sup>th</sup> December 2023 and it is recommended that the family of the accused person offers him support by visiting him in prison as he is suffering from psychotic disorder.
7. Having considered the three reports and the accused person's mitigation as well as the circumstances and manner in which the offence was committed, this court finds that the accused person is in need of being protected against himself and against the society and the society should also be protected from his lack of control of his mental faculties. He is therefore sentenced to serve 20 years in prison. While serving, it is hereby ordered that the officer in charge of the GK Prison accords him necessary psychosocial support as well as psychiatric treatment to restore him mentally. The sentence of 20 years will run from 4<sup>th</sup> January 2022 when he was first arraigned in court. Right of appeal within 14 days explained.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS THIS 19<sup>TH</sup> DAY OF JANUARY 2024.**

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**

In the presence of: -

Mr. Ngiri for the State

Mr. Obonyo Advocate for the Accused

Accused present in person

