



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Kombo (Criminal Case E008 of 2020)
[2024] KEHC 2789 (KLR) (12 March 2024) (Sentence)**

Neutral citation: [2024] KEHC 2789 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE E008 OF 2020**

A. ONG'INJO, J

MARCH 12, 2024

BETWEEN

REPUBLIC PROSECUTOR

AND

HAMISI SAID KOMBO ACCUSED

SENTENCE

1. The accused Hamisi Said Kombofaces 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 Hamisi Said Komboon 9th day of September 2020 at Bin Seif Properties, at Splendid Mwembe Tayari, within Mombasa Town in Mombasa County murdered Wilson Munywoki Mulive.
3. The accused was found guilty of the offence of murder and convicted. Upon conviction, this court called for a Victim Impact Statement and Pre-Sentence Report. The secondary victims were however not traced and the Probation Officer filed the Pre-Sentence Report only.
4. Mr. Mwaboza, the accused person's advocate mitigated on his behalf that the accused person is a first offender and is remorseful for the incident that happened. That he is a single parent and sole breadwinner to his one child. He therefore prayed for a lenient sentence.
5. The Pre-Sentence Report prepared by Mr. Wyclife Wathome, the Principal Probation Officer Kisauni, was filed on 12th March 2024.
6. This court has considered the Pre-Sentence Report and the accused person's mitigation. However, the manner in which the accused person committed the offence particularly by covering the face of the deceased with carton boxes and securing the same with a stone to disable him; the fact that the offence was premeditated and the fact that the accused tried to conceal that he is the one who committed the



offence by leaving his place of work earlier than usual makes this court find that a deterrent sentence that mirrors the seriousness of the offence is called for. This court therefore sentences the accused to serve 25 years in prison. The sentence to run from 1st day of October 2020 when the accused was first arraigned in court. Right of appeal within 14 days explained.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS, THIS
12TH DAY OF MARCH 2024**

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of: -

Etropia- Court Assistant

Mr. Ngiri for the State

Mr. Mwaboza Advocate for the Accused

Accused present in person

HON. LADY JUSTICE A. ONG'INJO

JUDGE

Court: Copies of Proceedings, Judgment and Sentence to be supplied to parties.

HON. LADY JUSTICE A. ONG'INJO

JUDGE

****12.3.2024**

