



**Republic v Bakari (Criminal Case 52 of 2018)  
[2024] KEHC 2260 (KLR) (5 March 2024) (Sentence)**

Neutral citation: [2024] KEHC 2260 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL CASE 52 OF 2018**

**A. ONG'INJO, J  
MARCH 5, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**HAMISI NZIMO BAKARI ..... ACCUSED**

**SENTENCE**

1. The accused Hamisi Nzimo Bakari 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 on 20th day of October 2018 at Uwanja wa Ndege in Busa Sub-location, Vigurungani location, Kinango Sub-county within Kwale County, murdered Safu Bonaya.
3. The accused person was found guilty and convicted of the offence of murder. This court called for the Victim Impact Statement which was filed on 19<sup>th</sup> February 2024.
4. In mitigation, Ms. Nabwana Advocate for the accused person said the accused had been in custody since he was arrested in 2018 and the time spent in remand had achieved his rehabilitation, that the accused was remorseful to the deceased person's family, that the accused was heavily denounced at the time of his arrest and that had the effect of retribution, and that what remains is restoring the accused person to his community so that he makes amends. The court was urged to apply the doctrine of proportionality in his sentence. The accused person was also said to have suffered from TB while in custody and had an accident in which his leg was injured.
5. The Victim Impact Statement indicates that the deceased person's role as a breadwinner, a wife, a mother and a unifying factor to his immediate family fell apart after her demise and her immediate family suffered psychological and emotional harm. That her husband fell into depression and after he recovered, he left home and has never returned. The only surviving son of the deceased who was residing with her also left home and wanders from place to place doing nothing meaningful and says



staying the neighbourhood reminds him of his mother and her brutal murder. The daughter to the deceased has been left with the burden of parenting her two younger siblings in addition to her own and they all want the accused person to be punished in accordance with the law.

6. In consideration of the Victim Impact Statement, mitigation by the accused person and the circumstances of the offence herein, this court finds that the offence committed by the accused person and the manner in which it was committed is very serious. The accused person deprived the deceased of her life contrary to Article 26 (1) and (3) of *the Constitution* of Kenya 2010 and did not care that the action was going to have far reaching psychological effects on the dependants of the deceased.
7. The offence committed requires a deterrent sentence that mirrors the negative consequences of one's involvement in criminal activities. A custodial sentence is called for and I hereby sentence the accused person to a term of twenty (20) years imprisonment. The sentence to run from 22<sup>nd</sup> November 2018 pursuant to Section 333(2) of the *Criminal Procedure Code*. Right of appeal within 14 days explained.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,  
THIS 5<sup>TH</sup> DAY OF MARCH 2024**

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

**JUDGE**

In the presence of: -

Etropia- Court Assistant

Mr. Ngiri for the State

Ms. Nabwana Advocate for the Accused

Accused person present in person

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

**JUDGE**

Court: Copies of judgement and proceedings to be supplied to the defence and state.

