



**Republic v Nyamawi (Criminal Case 19 of 2016)
[2024] KEHC 11410 (KLR) (20 September 2024) (Sentence)**

Neutral citation: [2024] KEHC 11410 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE 19 OF 2016
MN MWANGI, J
SEPTEMBER 20, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

MUNYIKA MWAKALELA NYAMAWI ACCUSED

SENTENCE

1. I have considered the pre-sentence report and noted that the Probation Officer did not have access to the Court file as the said file is in my custody due to the proceedings that have been ongoing. The police file was however not available in the DPP’s office
2. I have taken note of the mitigation made on behalf of the accused person to the effect that he is rehabilitated. He prays for a lenient sentence.
3. The Judiciary Sentencing Policy Guidelines provide for rehabilitation of an offender so that he can reform and make a better fit in the society. The said Policy however, also recommends retribution so that when an offender is punished he is able to introspect and see that they erred in their ways and change for the better.
4. In this case, the deceased was literally butchered as noted from the observation made by this Court in its judgement. The injuries inflicted on the deceased were severe, extensive and unwarranted. Due to the aggravated manner in which the deceased person was murdered, the sentence to be meted out to the accused person must be severe.
5. I note that the accused person is a first offender and that he has been in prison remand since 27th June, 2016. That is a period of 8 years and 2 months.
6. Due to the grisly murder of the deceased in the hands of the accused person and others not in Court, I sentence the accused person to serve sentence for a period of 30 years imprisonment. The period he



has been in custody for 8 years and 2 months shall be commuted from his sentence in line with the provision of Section 333(2) of the *Criminal Procedure Code*.

DATED, SIGNED AND DELIVERED AT NAIROBI ON THIS 20TH DAY OF SEPTEMBER, 2024.

SENTENCE DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.

NJOKI MWANGI

JUDGE

In the presence of:

The accused person

Ms Musyoki for the accused person

Ms Nyawinda - Prosecution Counsel for the DPP

Ms B. Wokabi – Court Assistant.

