



**Republic v Gakunya (Criminal Case 10 of 2019)
[2023] KEHC 1375 (KLR) (2 March 2023) (Sentence)**

Neutral citation: [2023] KEHC 1375 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAHURURU
CRIMINAL CASE 10 OF 2019
CM KARIUKI, J
MARCH 2, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

ISAAC GITONGA GAKUNYA ACCUSED

SENTENCE

1. The Accused was charged with offence of murder. He pleaded not guilty and matter was heard and he was found guilty of offence of murder.
2. On conviction the prosecution informed court that previous records were not available but accused could be treated as a first offender.
3. The defence mitigated that accused has been in remand since May 2019 about four (4) years to date of sentence.
4. The circumstances leading to victim’s demise was occasioned by the acts of the deceased which generated fight in which he stabbed accused with knife on the face and accused reacted by hitting the deceased several times with a blunt object thus occasioning victim’s death it was also gathered from the evidence.
5. The two had taken alcohol. The accused could have hit deceased once down not to pursue hitting him severally. This exceeded self defence and unjustified.
6. Taking into account the period of about four (4) years he has been in custody and facts of the case.
7. The accused will serve and is sentenced to eight (8) more years imprisonment from the date of judgment.

DATED, SIGNED AND DELIVERED AT NYAHURURU THIS 2ND DAY OF MARCH 2023.



CHARLES KARIUKI
JUDGE

