



**Republic v Salim (Criminal Case 57 of 2012)  
[2023] KEHC 17612 (KLR) (10 May 2023) (Sentence)**

Neutral citation: [2023] KEHC 17612 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL CASE 57 OF 2012  
DO CHEPKWONY, J  
MAY 10, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**CHENGO CHARO SALIM ..... ACCUSED**

**SENTENCE**

1. The accused person, Chengo Charo Salim is charged with the offence of Murder contrary to Section 203 as read with Section 204 of the *Penal Code*, whereby he was tried, found guilty and convicted for the murder of Chengo Dhurio Jomo.
2. For determination at this stage is the sentence to be imposed upon the accused hence the matter was referred to the Probation Officer for a social inquiry to be conducted and a pre-sentence report filed in respect of the accused person, social economic status and relationship in the community.
3. From the evidence that was adduced in court, which is confirmed by the report and findings in the pre-sentence report, the accused is a son-in-law to the deceased herein, having been married to the daughter. It has also been confirmed that the deceased died after a disagreement between him and the accused over failure by the accused to pay dowry for his wife as expected by culture in a traditional marriage.
4. In mitigation and confirmed by the records and pre-sentence report, the accused has pleaded for leniency on the ground that he is a first offender, remorseful and has been reformed during his stay in custody.
5. This Court has thus considered the accused persons record, plea in mitigation, the positive report and recommendation by the Probation Officer in the pre-sentence report alongside an appreciation of the period he has been in custody since his arrest almost ten (10) years ago. The court is of the view that a sentence that achieves retribution, rehabilitation, reconciliation with family and community



members as well as psychosocial therapy would be appropriate. Therefore, the accused person is placed on Probation for a period of three (3) years. The State has a right to appeal on the sentence.

6 It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT NAIROBI THIS 10<sup>TH</sup> DAY OF MAY 2023.**

**D.O CHEPKWONY**

**JUDGE**

In the presence of:

M/S Valerie counsel for the State

M/S Musyoki counsel for the accused person

Court Assistant – Mwenda/Hamisi

