

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAHURURU

CRIMINAL APPEAL NO. 6 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

PATRICK KAMANGA WANJAMA.....ACCUSED

RULING ON SENTENCING

1. The accused was charged with **Murder contrary to Section 203 as read with Section 204 of the Penal Code, Cap. 63 Laws of Kenya**. After full trial he was convicted and matter is now for sentencing as mitigation was tendered. On prosecution side accused has no previous record. The PCR report has been filed which is negative on accused's side.
2. This is a case where accused killed an old woman he called his grandmother on what he said was her refusal to pay his monthly (salary) as she had employed him.
3. In his mitigation through an Advocate Njoki Mureithi it is stated that he is remorseful and seeks lenience. He is 30 years old and a first offender.
4. The PCR reports him to be alcoholic and is single.
5. He blames his drunken behaviour for commission of the crime in issue.
6. The PCR recommends a custodial sentence for rehabilitation as he still lives in carefree attitude and not remorseful of alcohol abuse lifestyle.
7. This court has no option but to award a sentence befitting the circumstances. The maximum sentence for murder is death sentence, however since he is young 30 years and a first offender, I will award him a custodial sentence as the crime grizzly and heinous thus accused is sentenced to 30 years imprisonment. Right of appeal explained.

Dated, Signed and Delivered at NYAHURURU this 11th day of May, 2021.

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CHARLES KARIUKI

JUDGE

PRESENT:

Rugut for State

Njoki Muriithi for Accused

Court Assistant - Eric