



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MAKUENI**

**HCCRC. NO.76 OF 2017**

**(FORMERLY MACHAKOS HCCRC 24 OF 2016)**

**REPUBLIC.....PROSECUTION**

**VERSUS**

**DAVID WAMBUA MUTUNGA.....ACCUSED**

**RULING ON SENTENCE**

1. The accused person has been convicted of murder.
2. His counsel Mr. Hassan has submitted that he is 35 years old and that his wife has left him. He has been in custody since arrest.
3. The Prosecuting Counsel Ms. Gitau has submitted that the accused deserves a deterrent sentence as he is not remorseful.
4. I have also perused the pre-sentence report in which it was recorded that the accused has refused to accept responsibility for the killing.
5. I sentence the accused to twenty five (25) years imprisonment, in consideration of the reasoning in the Muruatetu decision of the Supreme Court.

Right of appeal explained.

**DELIVERED, SIGNED & DATED THIS 7TH DAY OF OCTOBER 2021, IN OPEN COURT AT MAKUENI.**

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**GEORGE DULU**

**JUDGE**