

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HCCRC. NO.18 OF 2018

REPUBLIC.....PROSECUTION

VERSUS

NICHOLAS MUU KITENG'E.....ACCUSED

RULING ON SENTENCE

1. The accused person herein has been convicted of murder contrary to section 203 as read with section 204 of the Penal Code.
2. Before sentencing him, the court ordered the filing of a pre-sentence report, which was filed on 12/7/2021.
3. In mitigation, the defence counsel M/s Kemunto stated that the accused is remorseful for a life that is lost, that he is the bread winner with a wife and three children and that as the eldest in his family; he takes care of the other family members. The accused has also been in custody since arrest in 2018.
4. The Prosecution counsel Ms. Gitau on her part, stated that according to the pre-sentence report the accused person is not remorseful and had a previous conviction. Counsel emphasized that the deceased was a child of 10 years.
5. Having considered the circumstances of the matter and the mitigating factors, I sentence the accused to serve twenty five (25) years imprisonment.

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