



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MERU**  
**CRIMINAL CASE NO. 56 OF 2016**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JOYCE KABURO MUTHURI.....1<sup>ST</sup> ACCUSED**

**SALESIO GICHUNUKU MUTHURI.....2<sup>ND</sup> ACCUSED**

**SENTENCE**

1. The accused persons were jointly charged with murder contrary to section 203 as read with 204 of the Penal Code. The matter then proceeded to full trial after which the two were found guilty and convicted accordingly.
2. After conviction, the court called for a pre-sentence report from the probation officer before the accused were called to offer mitigation. The two pre-sentence reports are favourable to the two accused persons and recommend a non-custodial sentence for both.
3. When called upon to mitigate, the accused persons sought leniency from the court. Counsel for the two urged the court to give regard to the ages of the accused persons and their social circumstances as well as the events of the fateful day.
4. In seeking a custodial and deterrence sentence, Mr. Maina for the prosecution pleaded with the court to look at the brutal manner in which the deceased was killed by the son over his own property.
5. I have prudently considered the victim impact assessment/ pre-sentence reports for both accused persons, and the recommendations made therein.
6. Taking into consideration the sentencing guidelines, the age of the 1<sup>st</sup> accused which I consider fairly advanced as well as the fact that the accused was drunk, the 1<sup>st</sup> accused is hereby sentenced to a probation term of 3 years.
7. For the second accused, I consider his actions to have been most abhorrent and deserve being discouraged. I find him not to deserve the leniency by way of a non-custodial sentence and sentence him to serve 15 years imprisonment which sentence shall be computed from the date of his arrest being 22/8/2016.

**DATED SIGNED AND DELIVERED AT MERU VIRTUALLY VIA MICROSOFT TEAMS THIS 2<sup>ND</sup> DAY OF NOVEMBER, 2021**

**PATRICK J.O OTIENO**

**JUDGE**

**In presence of**

Mwiti for the accused

Mr. Maina for the prosecution

PATRICK J.O OTIENO

JUDGE