

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL CASE NO. 18 OF 2015

STATE.....PROSECUTOR

VERSUS

DAVID MATENGO OMULLO.....ACCUSED

SENTENCE

1. On 10th February 2020, this court delivered judgment in this case convicting the accused person herein for the offence of murder and reserved the date for sentence.
2. I have considered the mitigation by the accused person and the first offender.
3. However, a precious life was lost. Nonetheless the accused had an illness and therefore having been in prison for nearly 8 years, I find no reason to sentence him to serve custodial sentences now that he is free from the ailment but is said to be diabetic as per his medical documents shown to the Court with copies filed here which also reveal that he is anemic.
4. I hereby sentence the accused to the period already spent in prison.
5. Unless otherwise lawfully held, the accused person David Matengo Omullo be and is hereby set at liberty forthwith.
6. Orders accordingly.

Dated, Signed and Delivered at Siaya this 10th day of February, 2020.

R.E. ABURILI

JUDGE

In the presence of:

Mr. Okachi SPPC for State

Accused present. His advocate Mr. Ochuka absent

CA: Brenda and Modestar