



**REPUBLIC OF KENYA**

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

**HIGH COURT CRIMINAL CASE NO. 126 OF 2017**

**REPUBLIC..... PROSECUTION**

**-VERSUS-**

**NDOLO NZYUKO.....ACCUSED**

**RULING ON SENTENCE**

1. **Ndolo Nzyuko** was charged and convicted of murder contrary to section 203 as read with section 204 of the Penal Code. The victim was a lover of his “wife” and mother to his children.
2. After mitigation this court called for a pre-sentencing report which was filed on 22<sup>nd</sup> September 2020.
3. The report is favourable to the accused who is noted as not having any criminal past. The local administration and the family speak well of him.
4. The report also shows that the family of the accused and that of the deceased have sat down and undertaken some Akamba rites. There is no animosity between them.
5. The circumstances under which this offence was committed are clear to the court.
6. The accused has been in prison custody for three (3) years now. The accused is aged fifty (50) years old, and since the two families have made peace and there are no threats to accused’s life and as recommended, I find this to be a suitable case for probation.
7. Accused is hereby placed on probation for three (3) years. He will be under the supervision of the Makeni county probation officer.
8. The conditions to observe while under probation are explained to him.

Orders accordingly.

***Delivered, signed & dated this 11<sup>th</sup> day of November 2020, in open court at Makeni.***

.....

***H. I. Ong’udi***

***Judge***