

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HIGH COURT CRIMINAL CASE NO. 150 OF 2017

FORMERLY HCCRC 40 OF 2014

REPUBLIC.....PROSECUTION

VERSUS

BEATRICE WANTHI MUSEMBI.....ACCUSED

RULING ON SENTENCE

Beatrice Wanthi Musembi the accused was charged and convicted of murder contrary to section 203 as read with section 204 of the Penal Code. Having considered the circumstances of this case and the mitigation, I called for a pre-sentencing report. The report was filed on 22nd September 2020.

The report shows that several people were interviewed from both families. They seem ready to accommodate her.

The accused's husband disappeared since the commission of this offence. She has therefore been left alone to carry the burden. She has two children out of her earlier marriage where the husband died. The report is generally favourable to her.

She has been in prison custody since 14th July 2014 when she first appeared in court. That is six (6) years plus three (3) months.

Following the report, I do order that she serves on probation for three (3) years under the supervision of the Makueni county probation officer.

Conditions of probation explained to her. Right of appeal explained.

Orders accordingly.

Delivered, signed & dated this 10th day of November 2020, in open court at Makueni.

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H. I. Ong'udi

Judge