



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MERU**

**PETITION NO 10 OF 2018**

**BATHOLOMEW KAUGIRIA NCHEBERE.....ACUSED**

**VERSUS**

**REPUBLIC.....DPP**

**SENTENCING**

1. I have considered the mitigation by the petitioner. That he has now changed.
2. I have noted that he has been in custody for nearly 17 years.
3. I have seen the recommendation from the Prisons Authorities dated 12/4/2019.
4. I have in particular considered the Presentence report dated 15/7/2019 which is positive of the petitioner. In particular, the victim has indicated his forgiveness of the petitioner and that the community is ready to receive him back notwithstanding the seriousness of the offence.
5. In view of the foregoing, I will grant the petitioner a second chance to re-integrate with the society.
6. I accordingly sentence the petitioner to the period he has already served.
7. He may be set forth at liberty unless otherwise lawfully held.

**A. MABEYA**

**JUDGE**

**17/10/19**