



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO 18 OF 2008**

**REPUBLIC.....DPP**

**VERSUS**

**ZAKARIA MUGAMBI MWAMBA.....ACCUSED**

**SENTENCING**

1. I have considered the mitigation by the accused. That he is a first offender. That he has been in custody since 2008. That he is unwell and is remorse in that he is now rehabilitated.

2. However, considering the circumstance under which he murdered the deceased, being armed with a knife and telling the deceased that he was looking for someone like him and then stabbing him it requires a deterrent sentence. There was no provocation. The accused was armed to the scene whereby he threatened to kill PW1.

3. This requires a severe deterrence. Although the prosecution has asked for a life imprisonment to my mind this is a proper case where the death sentence is the proper sentence.

4. I sentence the accused to suffer death as per the law provided.

Right of appeal explained.

**A. MABEYA**

**JUDGE**

**13/11/2019**