



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT GARISSA

CRIMINAL CASE NO. 10 OF 2014

REPUBLIC.....PROSECUTOR

VERSUS

BONIFACE NDAVI NGUNIA...ACCUSED

SENTENCE

1. I have considered that accused is a first offender. I have considered the mitigation offered by counsel for the defence that accused is remorseful and regrets and apologises for the offence. I have considered that the accused is a married man with children. I appreciate that in the **Muruatetu** case the Supreme Court pronounced death sentence not to be mandatory.

2. A death has however been caused. The accused appears to have deliberately provoked a situation, walked away and came back to the shop of the deceased armed, and viciously attacked and killed the deceased who was unarmed and was also in his own shop.

3. Having considered the mitigation of the accused, and the circumstances of the case, I sentence the accused to suffer death as provided for by law. The accused will thus suffer death as provided for by law.

**Dated and delivered at Garissa this 15<sup>th</sup> day of October, 2018.**

.....

**George Dulu**

**JUDGE**