

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

HIGH COURT CRIMINAL 69 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

BERNARD KIRIMI KIBAYA.....ACCUSED

SENTENCE OF THE COURT

I have considered the Probation Officer's Report. I have also considered the quest by the prosecution for death penalty. I have also considered the mitigation by the accused.

As we punish the accused, restorative justice should not be forgotten. Our Criminal justice system recognizes the need to rehabilitate the accused and make him socially acceptable and productive. And following the Supreme Court decision in Muruatetu case, death sentence is not mandatory. It is the maximum sentence available for murder. Given the age of the accused, the fact that he has a young family and that he has been in custody for about six years, I hereby sentence him to 20 (twenty) years imprisonment as per Section 204 of the Penal code. Right of appeal 14 days. Copy of judgment be supplied.

Dated, signed and delivered in open court at Meru this 4th day of December 2018

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F. GIKONYO

JUDGE