

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
CRIMINAL CASE NO. 5 OF 2015

LESIIT J

REPUBLIC PROSECUTOR

VERSUS

DAVID MARA KARANJA ACCUSED

SENTENCE

1. The accused person was charged with one count of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**.

2. I found the accused guilty of the murder charge and convicted him under **Section 322** of the **Criminal Procedure Code**.

3. He was arraigned in court on the 12th of October 2015 and took plea on the 19th of October 2015.

4. I have considered the period the accused has been in remand during pendency of the trial. The accused was arrested on the 5th of October 2015. He has been in custody for a period of 1 year and 4 months.

5. The learned Prosecution Counsel urged the court to treat the accused as a first time offender as the state had no previous records of him if any. I am therefore treating him as a first time offender.

6. The Learned Defence Counsel told the court that the accused was 40 years of age and the sole breadwinner of his family.

7. I have considered the circumstances of the case. The accused and deceased were first cousins and were family.

The accused stabbed the deceased 15 times thereby causing untold pain and suffering before she died. I noted that despite what he did, the accused showed no remorse at all for his actions. I noted his mitigation gave no such indication which in my view is deliberate to show he is not sorry for his actions.

8. I have borne all these factors in mind before passing sentence. I have also considered **Section 204** of the **Penal Code** which provides the sentence for the offence of murder contrary to **section 203** of the **Penal Code**. It is a mandatory sentence for which the court has no discretion.

9. Having considered all these factors and the law, I sentence the accused to death as by law prescribed.

10. The accused has a right to appeal against both the conviction and the sentence within 14 days from the date of this sentence.

DATED AT NAIROBI THIS 14TH DAY OF MARCH, 2017.

LESIIT, J.

JUDGE.