



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
NAIROBI
CRIMINAL CASE NO. 88 OF 2010

LESIT, J.

REPUBLIC..... PROSECUTOR

VERSUS

PETER GATHONGO KAMANGARA..... 1ST ACCUSED

RUTH WAMBUI MUHIA.....2ND ACCUSED

LUCY WANGARI MUHIA..... 3RD ACCUSED

SENTENCE

1. The 3rd accused was charged with two others with the offence of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**.
2. After the trial I entered a finding of guilty of murder contrary **Section 203** of the **Penal Code**, but insane under **Section 166(2)** of the **Criminal Procedure Code**.
3. I have considered that the 3rd accused was first arraigned in court on the 4th of January 2011. Thereafter the case was consolidated with the case of her co-accused and plea taken on 27th June, 2011.
4. I have considered the period the 3rd accused has been in custody during the pendency of this case, a period of five years and six months.
5. I have considered that the learned prosecution counsel urged the court to treat the accused as a first time offender as the state had no previous record of her if any. I am therefore treating her as a first time offender.
6. I have considered the mitigation given on behalf of the 3rd accused by Mr. Wamwayi, the learned defense counsel. I have considered that the accused is 49 years old.
7. I have considered that since her incarceration the accused has received counselling and has also participated in Christian Women Groups at the Lang'ata Women's Prison and has a certificate to that effect.

8. I have considered accused mitigation that she is remorseful for her actions.

9. I have considered the circumstances of the case, that the deceased was brutally murdered.

10. Having considered all the factors and the law, I order that the accused's file be brought to the attention of the President as set out under **Section 166 (2)** of the **Criminal Procedure Code**. In the meantime the accused will be held at the pleasure of the President at Lang'ata Women's Prison.

11. The accused has a right to appeal both against 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.

Order

The accused should be given psychiatric medical follow –up while in custody.

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

LESIIT, J.

JUDGE.