

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
CRIMINAL CASE NO. 55 OF 2009

LESIIT, J

REPUBLIC.....PROSECUTOR

VERSUS

VICTOR KENNEDY GICHURU.....ACCUSED

RULING ON SENTENCE

1. The accused has been convicted of the murder of his son. The offence is created under **section 203** of the **Penal Code**. The sentence for the offence of murder is prescribed under **section 204** of the **Penal Code** which is death.
2. I have considered that the accused has been in custody throughout his trial since his arraignment in court on 15th June, 2009. That is a period of 8 years.
3. I have considered that the accused was treated as a first offender.
4. The accused applied for time and an order of court to avail his Medical records from Kenyatta National Hospital on 5th October 2016 after delivery of judgment on 19th September 2016. The court waited for the records which were finally availed on 24th May 2017.
5. The Counsel for the accused urged court to consider that the accused was under medication which had serious side effects. The counsel suggested that the issue of the medication should have been factored and that accused was seeking for justice.
6. The court has considered accused mitigation. The issue of accused condition was in evidence to the effect he had self-medicated himself and his son. The end result was the child died and he was in critical condition and was admitted at Kenyatta National Hospital before he was finally charged in court.
7. If the defence feels that issue was mishandled by this court, they ought to take it up on appeal.
8. The court has taken all the factors into account. Having been convicted under **section 203** of the **Penal Code** his sentence should be the one prescribed under **section 204** of the **Penal Code**.
9. The accused is sentenced to death as by law prescribed.
10. He has a right of appeal against both the conviction and sentence within 14 days of today.

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

LESIIT, J

JUDGE

14/6/17