



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA**

**CRIMINAL CASE NO.32 OF 2011**

**REPUBLIC ..... PROSECUTOR**

**VERSUS**

**GODFREY MUYALE ..... ACCUSED**

**SENTENCE**

The accused was initially charged with the offence of murder contrary to *section 203* as read with *section 204* of the Penal Code. However, after trial, the court convicted him for the offence of manslaughter contrary to *section 202* as read with *section 205* of the Penal code. Thereafter, the court invited the accused's counsel to address the court before sentence.

Mr Vadanga, counsel for the accused, addressed the court on behalf of the accused saying that the accused was remorseful; that he is a young man and was a form one student at the time of the offence and stated further that the accused was below 15 years when the offence was committed but has since attained the age of majority. Counsel concluded by urging the court to exercise leniency when meting out sentence.

The court has noted the sentiments of counsel in mitigation and considered the same. The court has also perused the record and in an age assessment report made on 29<sup>th</sup> January 2015, the accused was found to be approximately 18 years then which means he was below 16 years when he committed the offence.

The object of a sentence is primarily to punish for the offence and reform the accused person in such a manner as is appropriate in the circumstances of the case and deter a repetition of the offence by the accused and others while taking into account the prevalence of the crime and situation of the accused person himself. The accused herein stabbed the deceased causing the deceased's death leading to loss of life an act that is deplorable and one that cannot be condoned. The accused is obviously a young man of approximately 19 years now and said to be in school. He says he is remorseful and wishes the court to exercise leniency while passing sentence.

In considering the appropriate sentence, it is important that similar offences attract similar and consistent penalties or sentences but at the same time sentence is at the discretion of the court see *V. M. K. vs Republic* [2015] eKLR.

In the circumstances of this case I am of the considered view that a sentence of six (6) years imprisonment is appropriate. Consequently I hereby sentence the accused to serve a prison term of six years.

**Dated at Kakamega this 10<sup>th</sup> day of February, 2016.**

**E. C. MWITA**

**JUDGE**