

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT VOI

CRIMINAL CASE NO 9 OF 2015

REPUBLIC

VERSUS

BENSON NYAMBU MWAKITAWA

SENTENCE

1. I have carefully considered the circumstances of this case in particular how the Accused person attacked Mercy Wakesho Mwakitawa at her house. It was totally an unprovoked act. However, I have taken note of the fact that there were no witnesses to the attack and by pleading guilty to the offence, the Accused person saved the court a lot of time in having the Prosecution to prove its case. This is a mitigating factor of the sentence that I would impose on him.
2. Having said so, I note from the Probation Report that the Accused person was a problematic person to this family and community. In fact the Report does not recommend a non-custodial sentence as the family and community are not ready to welcome him back.
3. Bearing in mind that the Accused person is liable to life imprisonment but against the backdrop of the mitigating factors of his remorsefulness, his age and the fact that he reported the matter to the police himself, I hereby convict and sentence the Accused person to eight (8) years imprisonment.
4. Right to Appeal within fourteen (14) days from today.
5. It is so ordered.

DATED and DELIVERED at VOI this 9TH day of MAY 2016

J. KAMAU

JUDGE