



**THE REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MAKUENI**  
**HCCR E018 OF 2021**

**REPUBLIC.....**

**PROSECUTION**

**VERSUS**

**TITUS KITHUNGO KIETI.....**

**ACCUSED**

**SENTENCE**

1. The accused person was charged with murder contrary to section 203 as read with section 204 of Penal Code.
2. He was tried and found guilty of the murder of Rebecca Syombua on 8/6/2021 at Ndolo Village, Nzeveni Location, Mbooni West Sub County, Makueni County after he denied the offence.
3. Upon his conviction, the court sought for pre-sentence report from Probation and After Care Services.
4. His counsel Mr. Kithuka submitted in mitigation - that the accused was remorseful about the incident. That from the pre-sentence report he was a father of four, and that the children needed his care. That offender is a first offender and there are

no complains about his conduct. That offender had exhibited utmost good conduct while at home and he prayed for leniency from the court.

5. The pre-sentence report indicates that the offender has history of substance use, to be temperamental and arrogant, quick to anger, and physical fights - however, the area assistant chief expressed a positive attitude towards him.
6. The family of the victim is reported to have expressed views of bitterness towards the offender for the loss of their relative.
7. The offence of the murder carries a death sentence - though the mandatory nature of the same was taken out by the Supreme Court in **Muruatetu 1**.
8. Taking into consideration the circumstances of the offence both mitigating circumstances - and the aggravating factors; that this was an elderly lady, that there was no provocation except anger at losing in a land matter, I find that the offender person is not suitable for a non-custodial sentence.
9. I have found a similar matter Republic **versus Otieno KEHC 7874 (KLR)** where the court meted out 20 years imprisonment

10. Having considered the mitigation by the offender, the mitigating and aggravating circumstances. The similar authority the offender is is sentenced to 20 years imprisonment.

11. Taking into account the proviso to section 333(2) of the Criminal Procedure Code, his sentence will run from 6/7/2021.

Right of appeal 14days,

Dated, signed and delivered this 15<sup>th</sup> October 2025

Mumbua T Matheka

Judge

Court assistant: Chrispol

Accused present

Mr. Kithuka for accused

Mr. Kazungu for state