



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MOMBASA COUNTY

COURT NAME: MOMBASA HIGH COURT

CASE NUMBER: HCCRC/E021/2023

REPUBLIC VS SALIM ADINAH ALI ALIAS SALO

CUSTODIAL SENTENCE

1. The court convicted the accused of the murder of Nassor Abdalla, committed on 21st September 2023 at Sirigoi House in Mwembe Tayari area, Mvita Sub-County within Mombasa County.
2. The court called for a Victim Impact Statement and a Pre-Sentence Report; however, only the latter was prepared and filed. Mr. Khamis Salim mitigated on behalf of the accused and submitted that the accused is a first offender aged 21 years, from a humble background. Counsel stated that he is the only son and sole support of his mother, who is separated from his father. He further submitted that the accused is remorseful and that he acted in a moment of anger which impaired his judgment. Counsel urged the court to exercise leniency, noting that the period spent in custody has afforded the accused time to reflect on his actions.
3. Mr. Frank Sirima, for the State, relied on the Judiciary Sentencing Policy Guidelines, particularly the objectives of deterrence, denunciation, and community protection. He pointed to aggravating factors, including the nature of the weapon used and the conduct of the accused, who continues to deny the offence and refers to the deceased as a bully. Counsel proposed a sentence of twenty (20) years' imprisonment.
4. The Pre-Sentence Report indicates that the accused and the deceased were acquaintances, having previously lived in the same locality in



Bamburi before relocating separately to Mombasa town. On the material day, they met at a



miraa chewing den. The report suggests that the accused perceives himself as a victim of circumstances and claims to have acted in self-defence and under provocation. This court has already addressed and conclusively determined those issues and will not revisit them. The report recommends leniency, taking into account the accused's age and the surrounding circumstances, while also noting the need for structured rehabilitation, including life skills training and anger management.

5. Before passing sentence, the court considers it appropriate to underscore the destructive consequences of uncontrolled anger. Across moral, cultural, and philosophical traditions, there is a consistent warning that anger, when unchecked, clouds judgment and often results in irreversible harm. The wisdom captured in the Swahili adage "*Hasira hasara*" aptly reflects this reality. In the present case, a fleeting moment of rage has resulted in the permanent loss of a young life and the irreversible alteration of the lives of all involved.
6. Murder is addressed under **Part 5.2** of the **Sentencing Policy Guidelines**, which emphasize that sentencing is not a measure of the value of the life lost but must take into account both aggravating and mitigating factors. The prescribed penalty under **Section 204** of the Penal Code is death.
7. However, in ***Francis Karioko Muruatetu & another v Republic, Petition Nos. 15 and 16 of 2015***, the Supreme Court affirmed that courts retain discretion in sentencing and are not bound by the mandatory nature of the death penalty.
8. In determining the appropriate sentence, the court has carefully weighed the aggravating and mitigating circumstances. On the one hand, the accused used a pair of scissors to inflict a fatal injury to the head of the deceased, resulting in severe brain trauma and death. The nature of the attack, the vulnerability of the deceased, and the finality of the loss constitute serious aggravating factors.
9. On the other hand, the court has considered the mitigating factors, including the accused's young age of 21 years, his status as a first offender, his personal background, and the period already spent in custody. The court has also taken into account the need for rehabilitation and the possibility of reform, particularly given the accused's youth.
10. The court is guided by the principles of proportionality, deterrence, rehabilitation, and community protection. While the offence calls for a firm custodial sentence to reflect society's denunciation of unlawful killing, the court is equally mindful that the sentence imposed must not be crushing, particularly where there exists a realistic prospect



of reform.

11. Upon balancing all the foregoing considerations, the court finds that a determinate custodial sentence is appropriate. Accordingly, the accused is hereby sentenced to **fifteen (15) years imprisonment**, the sentence to **run**



**from the date of his first remand in custody, pursuant to Section 333(2) of the Criminal Procedure Code.**

12. It is so ordered.

13. RIGHT OF APPEAL EXPLAINED

**DATED, SIGNED, AND DELIVERED** in MOMBASA Virtually in Open Court via MS Teams this **19th day of March, 2026.**

**W. K. MICHENI**

**JUDGE**

**In the presence of:**

Accused

Mr. Khamis Salim for the Probation

Service Ms. Cherop for the State

**Bebora** - Court Assistant

SIGNED BY/FOR:  
HON. LADY JUSTICE WENDY MICHENI



THE JUDICIARY OF KENYA.  
MOMBASA HIGH COURT  
HIGH COURT CRIMINAL  
DATE: 2026-03-24 17:44:19

