



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL CASE NO. 26 OF 2014

REPUBLIC

PROSECUTOR

VERSUS

HUDSON MUTSAMI NABURENDI

ACCUSED

RULING ON SENTENCE

1. The Accused Hudson Mutsami Naburendi was convicted of the offence murder contrary to Section 203 as read with Section 204 of the Penal Code in a Judgement delivered by this court but written by Hon. P. J. O. Otieno, Judge.
2. In mitigation, Mr. Ondieki for the Accused pleaded for leniency. He urged the court to consider the Accused's youth and stated that the Accused gained salvation during the period he has been out on bond. He said that the Accused is the sole breadwinner of the

- family but that his wife who had twins took off after his arrest. He prayed for a non-custodial sentence.
3. The Respondent submitted that the Accused is a first offender but had been found guilty yet still maintained his innocence. Ms. Chala prayed for a sentence that is proportionate to the offence.
 4. Upon the court's request, the Probation Office filed a pre-sentence report which confirms that the Accused maintains his innocence despite the conviction. The Accused is said to respect the process of law but to be frustrated by his conviction which he feels is as a result of being unjustly implicated.
 5. The victim's family are said to have expressed deep pain and frustration arising from their loss and the prolonged hearing. Some family members are hostile to any discussions of leniency, emphasizing their desire for a severe sentence to give them justice and to serve as a deterrence to others.
 6. The objectives of sentencing as set out in the Judiciary Sentencing Guidelines are:-
 - i. **Retribution:** to punish the offender for his/her criminal conduct in a just manner;
 - ii. **Deterrence;** to deter the offender from committing a similar offence subsequently as well as to discourage other people from committing similar offences;
 - iii. **Rehabilitation;** to enable the offender reform from his/her criminal disposition and become a law-abiding person;

- iv. **Restorative justice;** to address the needs arising from the criminal conduct such as loss and damages;
 - v. **Community Protection;** to police the community by incapacitating the offender.
 - vi. **Denunciation;** to communicate the community's condemnation of the criminal conduct.
 - vii. **Reconciliation;** to mend the relationship between the offender the victim and the community.
 - viii. **Reintegration;** To facilitate the re-entry of the offender into the society.
7. I have carefully considered the circumstances under which the deceased met his death. It was a vicious attack by a group of people who visited violence on a helpless victim who was alone and whose death has robbed the society and his family of a human being. A deterrent sentence is necessary.
8. Upon weighing all factors, I sentence the Accused to twenty (20) years imprisonment. The Accused was arraigned in court on 11/4/2017. He was remanded in custody until 7/11/2019 when he was released on bond. Upon conviction on 11/3/2025, he has also been in custody. In compliance with Section 333 (2) of the Criminal Procedure Code, the period spent in custody should be factored into the sentence.
9. Orders accordingly.

Dated, signed, and delivered at Kakamega, this 27th day of April 2026.

**A. C. BETT
JUDGE**

In the presence of:

Ms. Chala for the Prosecution

Ms. Ihachi holding brief for Mr. Ondieki for the Accused

Court Assistant: Polycap

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