



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Republic v Kitsao (Criminal Case 6 of 2017)  
[2025] KEHC 3603 (KLR) (28 February 2025) (Sentence)**

Neutral citation: [2025] KEHC 3603 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL CASE 6 OF 2017  
MN MWANGI, J  
FEBRUARY 28, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**KARISA KAMBI KITSAO ..... ACCUSED**

**SENTENCE**

1. I convicted the accused person for the offence of murder. I requested for a Pre-sentence Report as well as a Victim-Impact-Assessment Report. The latter was not availed.
2. Ms Rosemary Nyong'a, Probation Officer has indicated that she was unable to have access to the Police file which she went to look for at Kijipwa and Mtwapa Police Stations and at the DPP's office, Mombasa. The said Police file would have assisted her to trace the victims affected by the death of the deceased for interviews. That however did not happen.
3. From the Pre-sentence Report, the accused person is from a polygamous family and there is no commitment to support him during rehabilitation. The Report shows that he is a first offender and the DPP has said as much. He is said to be a father of six (6) children, whose whereabouts are unknown.
4. Ms Musyoki Advocate has prayed for a lenient sentence for the accused person whom she says has been rehabilitated and is of good conduct as there was no complaint at all about him during his stay in prison custody as he underwent trial. I have considered the Pre-sentence Report the and mitigation proffered. I note that the accused person was first arraigned in Court on 14<sup>th</sup> February 2017. It is now 8 years since then.
5. Noting the gravity of the offence he was charged with and convinced for, which calls for deterrence, rehabilitation, as well as punishment, I sentence the accused person to serve thirty (30) years imprisonment. The sentence will be computed from February 14, 2017 being the day he was arraigned in Court. That is in line with provisions with Section 333(2) of *Criminal Procedure Code*.



6. The accused person is also entitled to remission, if applicable.

It is so ordered.

**DATED, SIGNED AND DELIVERED AT NAIROBI ON THIS 28<sup>TH</sup> DAY OF FEBRUARY, 2025.  
SENTENCE DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.**

**NJOKI MWANGI**

**JUDGE**

In the presence of:

The accused person

Ms Musyoki for the accused person

Ms Cherop h/b for Ms Nyawinda Prosecution Counsel for the DPP

Ms Rosemary Nyong'a – Probation Officer

Ms Lucy Njeru – Court Assistant.

