



**Republic v Muasya & another (Criminal Case E035 of 2021)
[2025] KEHC 4003 (KLR) (26 March 2025) (Sentence)**

Neutral citation: [2025] KEHC 4003 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
CRIMINAL CASE E035 OF 2021
RC RUTTO, J
MARCH 26, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

SIMON MWANZIA MUASYA 1ST ACCUSED

FELIX MAINGI MUASYA 2ND ACCUSED

SENTENCE

1. I have carefully considered the mitigation factors, the pre-sentencing report, and the specific circumstances surrounding this case, I have taken into account the following key aspects; the age of the accused persons, the fact that the deceased was their brother. I also have considered of the prosecution’s recommendation for a non-custodial sentence which was proposed as a means to facilitate closure for the affected parties; I have also considered the sentencing guidelines which provide a framework for determining an appropriate sentence.
2. Considering all these factors I exercise judicial discretion and adopt the sentence recommended by the probation officer.
3. Consequently, I hereby sentence the 2 convicted persons to a probation period of 3 year, during that period they will be under the supervision of the county probation officers. They are expected to adhere to all directives issued by the probation officers. In the event of failure to comply with the terms of the probation or any misconduct during this period the sentence will be converted into a custodial jail term.
4. The convicted persons are also recommended to undergo counselling as may be advised by the probation officer to support their rehabilitation and emotional well-being.

DATED, SIGNED AND DELIVERED AT MACHAKOS THIS 26TH DAY OF MARCH, 2025.



RHODA RUTTO
JUDGE

