



REPUBLIC OF KENYA



**Republic v Musila (Criminal Case E037 of 2021)  
[2025] KEHC 11609 (KLR) (31 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 11609 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MACHAKOS  
CRIMINAL CASE E037 OF 2021**

**EN MAINA, J**

**JULY 31, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**BENARD MASIAL MUSILA ..... ACCUSED**

**SENTENCE**

1. This court having considered the nature and circumstances of the offence, the mitigation of the accused person, the reports – presentence and victim impact which all point to remorse of the accused person and his reconciliation with his family. It must also however take into account that a life was lost and it matters not that it was his brother. Life is precious be it that of a brother or someone else and the killing of anyone is not to be taken lightly.
2. However, the accused person pleaded guilty to this offence and is therefore entitled to leniency.
3. In the premises the accused is sentenced to serve a term of imprisonment for six (6) years which shall be computed to be effective from 23<sup>rd</sup> December, 2021 when he was arrested so that the sentence can be in conformity with Section 333(2) of the *Criminal Procedure Code*.
4. Right of Appeal to the Court of Appeal is explained. (Legality of sentence only).

**RULING ON SENTENCE SIGNED, DATED AND DELIVERED VIRTUALLY ON THIS 31<sup>ST</sup> DAY OF JULY 2025.**

**E.N. MAINA**

**JUDGE**

In the presence of:

Ms Nyauncho for the state



Mr. Kololo H/B for Njihia Adv. For the Accused

Accused person

Miriam – Court Assistant/Interpreter

