



**Republic v Musa (Criminal Case 44 of 2018)  
[2024] KEHC 1941 (KLR) (28 February 2024) (Sentence)**

Neutral citation: [2024] KEHC 1941 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL CASE 44 OF 2018  
A. ONG'INJO, J  
FEBRUARY 28, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**MWARUA DANIEL MUSA ..... ACCUSED**

**SENTENCE**

1. The accused person was arraigned in court for the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#) on 18<sup>th</sup> September 2018. He was however found guilty for the offence of manslaughter.
2. This court called for Victim Impact Statement but relatives of the deceased declined to be interviewed. Considering the accused has been in custody since 18/9/2018 for 5 years 5 months and 10 days this court finds that it is inexpedient to subject him to further incarceration. He is placed on Probation for 3 years.
3. Right of Appeal 14 days explained.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,  
THIS 28<sup>TH</sup> DAY OF FEBRUARY 2024**

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**

In the presence of: -

Etropia - Court Assistant

Mr. Ngiri for State

Accused – Present in person



Mr. Bosire Advocate for Accused – Ms. Kerubo Advocate hold brief

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**

**FEBRUARY 28, 2024**

Ms. Kerubo

I have been supplied with Victim Impact Statement.

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**

**FEBRUARY 28, 2024**

