



**Republic v Amam (Criminal Case 37 of 2018)
[2024] KEHC 11248 (KLR) (26 August 2024) (Sentence)**

Neutral citation: [2024] KEHC 11248 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE 37 OF 2018
SC CHIRCHIR, J
AUGUST 26, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

JOSEPHAT AMAM ACCUSED

SENTENCE

1. The accused was charged , tried and convicted of the murder of Joram Kavosi Agani(Deceased).
2. The court ordered for a social inquiry report prior to sentencing, but the Probation officer , Ms Grace Akhabi later reported to the court that they were unable to trace the family members of the accused and hence were not in a position to carry out any social inquiry.
3. In mitigation through his counsel Mr. Matete , the Accused told the court he was remorseful; that he has an elderly mother whom he was taking care of; that while out on bond, he had integrated well with the society. He further states that he appreciates the gravity of the offence but prays for leniency.
4. On the part of the state the prosecution submits that the Accused should face the full face of law; that he is convicted of murder and that the sentence should reflect the sanctity of life.
5. I have considered the plea of remorse. There was also no reference to any previous conviction. Therefore I will treat him as a first offender.
6. It is stated that he has integrated well in the community and has a mother who the accused is taking care.I am not persuaded by this part of his submissions. If he has a mother, how comes the probation officers could not trace any family member for purposes of social inquiry.
7. Nevertheless, remorse and being a first offender are mitigating factors and I have taken this into consideration.



8. However, there was a loss of life, taken away violently, by a mob in which the Accused was part of. I agree with the prosecution that the sentence must speak to the sanctity of human life.
9. Taking into consideration all the foregoing, I hereby sentence the accused to 25 years in prison. The sentence will take effect from the date of conviction.
10. The Accused has a right of Appeal limited to the next 14 days.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 26TH DAY OF AUGUST, 2024.

S. CHIRCHIR

JUDGE

In the presence of :

Godwin Luyundi- Court Assistant

Accused – present

Ms Osoro for DPP

