



**Republic v Ilema (Criminal Case 5 of 2018) [2023] KEHC 17893 (KLR) (31 May 2023) (Sentence)**

Neutral citation: [2023] KEHC 17893 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT LODWAR  
CRIMINAL CASE 5 OF 2018**

**JK SERGON, J**

**MAY 31, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**LOKITOE CHAPU ILEMA ..... ACCUSED**

**SENTENCE**

1. Lokitoe Chapu Ilema, the accused person herein, was on March 30, 2023 convicted for the offence of murder contrary to section 203 as read with section 204 of the [penal code](#).
2. Upon convicting the accused this court invited the defence to mitigate and also called upon the county probation officer, Turkana County to file a pre-sentence report.
3. I have considered the written submissions on mitigation filed by the accused’s advocate. The learned advocate pointed out that the accused person is aged 65 years old and that he is remorseful.
4. It is argued that the accused had no malice aforethought to cause death. This court was urged to be lenient. The Turkana county probation officer filed a pre-sentence report in which it is indicated that the accused is aged 60 years. It is further stated that the Accused is blessed with eight (8) children.
5. It is also indicated by the report that the deceased is the accused’s second wife. The accused has however expressed his intention to reconcile with the deceased’s family. The deceased’s family have expressed in the report their intention to reconcile with the accused if he takes responsibility.
6. Having taken into account the facts in mitigation and the probation pre-sentence report I am convinced that a custodial sentence is the most appropriate in the circumstances.
7. I have taken into account the period the accused spent in custody. I hereby sentence the accused to serve ten (10) years imprisonment.

**DATES, SIGNED AND DELIVERED VIRTUALLY THIS 31<sup>ST</sup> DAY OF MAY 2023.**



**J K SERGON**

**JUDGE**

**In the presence of:**

**C/Assistant – Rutoh**

**Prosecutor - Kakoi**

**Accused – Present in Prison**

