



REPUBLIC OF KENYA



**KENYA LAW**  
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**Director of Public Prosecution v Luychenje (Criminal Case 25 of 2020)  
[2023] KEHC 26027 (KLR) (30 November 2023) (Sentence)**

Neutral citation: [2023] KEHC 26027 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
CRIMINAL CASE 25 OF 2020  
SC CHIRCHIR, J  
NOVEMBER 30, 2023**

**BETWEEN**

**DIRECTOR OF PUBLIC PROSECUTION ..... REPUBLIC**

**AND**

**SILAS LIGARE LUYCHENJE ..... ACCUSED**

**SENTENCE**

1. The Accused, Silas Ligare Luchenje was convicted of the murder of Josphat Murua Shuvule by Justice Musyoka on 21<sup>st</sup> July 2023. The matter was later placed before me for purposes of sentencing only.
2. I have considered the presentencing report. The general finding is that the Accused has a history of violent tendencies. The assault on the deceased in particular, was not the first, as it is reported that he had repeatedly assaulted the deceased before.
3. In mitigation, his counsel submitted that the accused is remorseful and seeks for non-custodial sentence. However, the prosecutor points out that his continued denial of the offence in the face of conviction is at variance with his claim to remorsefulness. The prosecution has also urged the court to take into consideration the fact that there were previous reported cases of assault by the Accused directed at the Deceased.
4. I have also considered the respective submissions. Remorse is a mitigating factor. Further despite what is indicated in the presentencing report, there is no evidence of previous conviction and therefore I will treat the accused as a first offender.
5. I have further considered the circumstances of the offence. Witnesses' accounts show that the accused kept on stepping on the deceased who was already down, and taunted him as he held a panga. The deceased was therefore subjected to a lot of trauma before he died. The circumstances of the attack portray the accused as a person with no regard to human – life and dignity. He is a kind of person who needs to be kept away from society for a while.



6. Taking into consideration all the foregoing I hereby sentence the accused to 35 years in prison. The sentence will take effect from 15.6.2020 being the date that the accused was first arraigned in court.
7. Right of Appeal -14 days

**DATED, SIGNED AND DELIVERED IN OPEN COURT ON 30<sup>TH</sup> DAY OF NOVEMBER, 2023.**

**S. CHIRCHIR**

**JUDGE**

