



**Republic v Lenangetei (Criminal Case 8 of 2020)
[2023] KEHC 27061 (KLR) (21 December 2023) (Sentence)**

Neutral citation: [2023] KEHC 27061 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAHURURU
CRIMINAL CASE 8 OF 2020
CM KARIUKI, J
DECEMBER 21, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

PETER LENANGETEI ACCUSED

SENTENCE

1. The accused was charged with the offense of murder contrary to Section 203, read as with Section 204 of the [Penal Code](#) Cap 63 of Kenya.
2. He pleaded not guilty, and the matter went into full trial. He was put on his defense after the prosecution closed his case. He was found guilty of the offense of murder and was convicted accordingly.
3. He is said to be a first offender, according to the prosecution.
4. The court listened to the mitigation tendered and has perused the post-conviction report. He is thirty-seven (37) years old with two (2) wives and children and was the family's sole breadwinner.
5. The Probation Care Report (PCR) was positive on a non-custodial sentence but recognizes that in murder convictions, the sentence was ordinarily meted out by death sentence but with murwatetu case, the decision by the Supreme Court, sentence to death was no longer mandatory.
6. The recent unveiling of Kenya's new sentencing guidelines by the Chief Justice is a significant step towards enhancing fairness, accountability, and human rights protection in the country's legal system. These principles underpinning the sentencing process aim to bring clarity and consistency to the system:
7. Proportionality: Sentences must match the gravity of the offense, considering the actual, foreseeable, and intended impact of the crime and the offender's responsibility.



8. Equality/Uniformity/Parity/Consistency/Impartiality: Similar offenses by offenders in similar circumstances should lead to similar sentences, promoting fairness.
9. Accountability and Transparency: Clear, law-based reasoning for sentencing decisions is crucial, aligning with legal principles and the guidelines.
10. Inclusiveness: Both offenders and victims should have a role in and be informed about the sentencing process, promoting a comprehensive approach.
11. Totality of the Sentence: Sentences for multiple counts should be just and proportionate, considering the offender's overall behavior.
12. Respect for Human Rights and Fundamental Freedoms: Sentences should uphold human rights, dignity, and freedoms, fostering a rights-oriented environment in Kenya.
13. Compliance with Domestic and International Standards: Kenyan law sets sentences for offenses, while international and regional instruments provide guidance. These standards include instruments like the African Charter on the Rights and Welfare of the Child, the Convention on the Rights of the Child, and the United Nations Rules for the Treatment of Women Prisoners.
14. These principles aim to ensure that Kenya's sentencing process is fair, just, and respectful of human rights, ultimately contributing to a legal system that embodies the values of *the Constitution* and international standards while enhancing public confidence in the judiciary.
15. The issue of the non-custodial sentence in murder conviction is not available, especially where circumstances involved are aggravating, like in the instant case where the accused was found to have used a firearm to kill in the process of robbery/attack to facilitate robbery.
16. However, in view of the mitigation and content of PCR report tendered, the court will not award a death sentence as it is no longer mandatory but a custodial sentence.
17. Thus, the accused will serve a term of twenty (20) years imprisonment from the date of sentence.
 - i. Right of appeal explained.
 - ii. Orders accordingly

DATED, SIGNED, AND DELIVERED AT NYANDARUA THIS 21ST DAY OF DECEMBER 2023

C KARIUKI

JUDGE

