

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO.16 OF 2016

REPUBLIC.....PROSECUTOR

VERSUS

KENNEDY KIPRONO KIRUI.....ACCUSED

SENTENCE

1. The Accused Person was charged with murder Contrary to Section 203 as read with Section 204 of the Penal Code.
2. The Court found him guilty of Murder after conducting a trial. The deceased was his wife.
3. The probation officer filed a social inquiry report which details the background of the offence.
4. This Court has taken into account the mitigation given on behalf of the Accused Person by his Advocate and also the contents of the social inquiry report dated 28/9/2021.
5. However, there is evidence that the Accused Person premeditated the Murder and armed himself with intention to inflict harm on the deceased.
6. He looked for her after she had ran away and killed her in cold blood.
7. I have considered the decision in the case of **FRANCIS KARIOKOR MURUATETU** and I find that although the Supreme Court held that the mandatory nature of the death penalty is unlawful, the Supreme Court did not outlaw the death penalty but it said that the same should be reserved for deserving cases.
8. In my opinion, this is a case where the death penalty is deserved considering that the Accused Person premeditated the offence and executed the same in cold blood after looking for the deceased who had run away and he even attempted to kill himself after he had inflicted fatal injuries on her.
9. The Accused Person is accordingly sentenced to death as by law required.

DELIVERED, DATED AND SIGNED AT KERICHO THIS 19TH DAY OF NOVEMBER 2021.

A. N. ONGERI

JUDGE