



**REPUBLIC OF KENYA**

**High Court at Eldoret**

**Criminal Case 34 of 2003**

**REPUBLIC.....PROSECUTION  
VERSUS**

**KIPSANG KIPKEMBOI CHEBET.....ACCUSED**

**RULING ON SENTENCE**

The Accused has been found guilty and has been convicted of the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code.

The mandatory sentence for murder under the Penal Code is death. The Court of Appeal has held that the death sentence is no longer mandatory and is now the maximum sentence. Refer to **GODFREY NGOTHO MUTISO -VS- R (2010) e KLR.**

The court has considered the submissions in mitigation made by Counsel for the Accused. The court has taken into account the years the Accused has spent in remand, which total up to eight (8) years.

The court has also noted the youthful age of the Accused and that he is also a first offender.

Nevertheless, the crime committed was heinous and this court finds that the Accused is not deserving of a non-custodial sentence.

**CONCLUSION:**

The Accused is sentenced to serve a term of Twenty (20) years imprisonment. The eight (8) years in remand to be taken into account. The Accused to serve the balance.

It is so ordered.

DATED and DELIVERED at Eldoret this 17th day of January 2013

**A.MSHILA  
JUDGE**

Coram: Before Hon. Lady Justice Mshila

CC: Limisi  
Mitei: for Accused  
Munene for State

Accused : present  
Language: Kiswahili.  
**A.MSHILA**  
**JUDGE**