



**Republic v Kuye (Criminal Case E002 of 2023)
[2025] KEHC 8080 (KLR) (10 June 2025) (Sentence)**

Neutral citation: [2025] KEHC 8080 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
CRIMINAL CASE E002 OF 2023**

**RPV WENDOH, J
JUNE 10, 2025**

BETWEEN

REPUBLIC STATE

AND

WYCLIFF KUYE ACCUSED

SENTENCE

1. Wycliff Kuye was charged with the offence of Murder contrary to section 203 as read with section 204 of the Penal Code.
2. The particulars of the charge are that on 6/7/2023 at Kitelakapel area in West Pokot, sub-county of West Pokot, murdered Lotukei Limaruk alias Lodis. The accused denied the offence.
3. The prosecution and defence counsel entered into plea bargain negotiations which resulted in a plea agreement. As a result, the charge was reduced to one of manslaughter contrary to section 202 as read with section 205 of the PC.
4. By an information dated 2/5/2025, the charge of manslaughter was read to the accused and he pleaded guilty and was convicted for manslaughter contrary to section 202 as read with section 205 of the Penal Code. This matter is before me for purposes of sentencing.
5. The prosecution treated the accused as a first offender because he has no previous records.
6. Mr. Lowasikou, on behalf of the accused mitigated and stated that the accused is remorseful and regrets his actions which were influenced by his being intoxicated; that he has reformed because of the pastoral teaching he has undertaken while in custody for which has been issued with certificates.
7. Sentencing is an exercise of the court's discretion. The court is however, guided by the constitution, relevant laws, and the Judiciary Policy guidelines which are as follows



- i. Retribution: to punish the offender for his/her criminal conduct in a just manner;
 - ii. Deterrence; to deter the offender from committing a similar offence subsequently as well as to discourage other people from committing similar offences;
 - iii. Rehabilitation; to enable the offender reform from his/her criminal disposition and become a law-abiding person;
 - iv. Restorative justice; to address the needs arising from the criminal conduct such as loss and damages;
 - v. Community Protection; to police the community by incapacitating the offender.
 - vi. Denunciation; to communicate the community's condemnation of the criminal conduct.
 - vii. Reconciliation; to mend the relationship between the offender the victim and the community
 - viii. Reintegration; To facilitate the re-entry of the offender into the society.
8. The Supreme court also added to the guidelines in the case of Francis Karioko Muruatetu & Another -V- Republic Petition 1/2015 which are as follows;-
1. Age of the offender;
 2. Being a first offender;
 3. Whether the offender pleaded guilty;
 4. Character and record of the offender;
 5. Commission of the offence in response to gender-based violence;
 6. Remorsefulness of the offender;
 7. The possibility of reform and social re-adaptation of the offender;
 8. Any other factor that the court considers relevant.
9. In this case, the accused pleaded guilty to the charge of manslaughter and therefore did not waste the court's time. Under section 205 of the *Penal Code*, upon conviction for manslaughter, one is liable to a sentence of life imprisonment. I have now taken into account the accused's mitigation. He prays for leniency and regrets his action which he says was instigated by intoxication but intoxication is an intentional act for which he must take responsibility.
10. I have also taken into account the presentence report filed by the Probation Officer. Though accused is said to have been relating well in the community, the deceased's family is still bitter with him and the possibility of retaliation is high if accused is released on non-custodial sentence. I have considered the nature of injuries inflicted on the deceased which were several and serious. The offence is serious, a young life having been lost. The family has lost a husband, a father to his young children who will miss out on his love and care.
11. Lastly, I have taken into account the fact that accused has been in remand since he took plea on 27/7/2023. I hereby sentence him to serve twelve (12) years imprisonment effective from 27/7/2023.

DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 10TH DAY OF JUNE, 2025



R. WENDOHO.

JUDGE

Sentence delivered in open court in the presence of; -

Prosecution Counsel – Mr. Suter

Mr. Lowasikou for accused

Accused – present

Juma/Hellen- Court Assistants.

