



**Republic v Lopombogi (Criminal Case E002 of 2021)  
[2024] KEHC 2385 (KLR) (7 March 2024) (Sentence)**

Neutral citation: [2024] KEHC 2385 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAHURURU  
CRIMINAL CASE E002 OF 2021  
CM KARIUKI, J  
MARCH 7, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**MUYU LOPOMBOGI ..... ACCUSED**

**SENTENCE**

1. The Accused person was charged with the offense of murder contrary to Section 203 as read with Section 204 of the *Penal Code* (Chapter 63 of the Laws of Kenya).
2. The particulars are that on the 30<sup>th</sup> day of January 2021 at Naibor Location in Laikipia West Sub-County within Laikipia, County murdered Ekiru Nakaporo.
3. He pleaded not guilty and the matter went into full trial.
4. The prosecution called a total of five (5) witnesses and the accused was put on his defense on the closure of the Prosecution case.
5. The accused was found guilty of the offense and was convicted accordingly under the provisions of the law.
6. The matter comes for sentencing after the prosecution reported accused has no previous record thus he be treated as a first offender.
7. The Accused also mitigated to the effect that, the Accused is a first offender and the sole breadwinner of his four (4) children. That he lost his wife in 2018. He has been in custody for three (3) years now.
8. Thus, seek leniency in sentencing.
9. The key principles behind Kenya’s new sentencing guidelines are; ensuring fairness and Right Protection.



10. These principles underpin the sentencing process aiming to bring clarity and consistency to the systems these are:
  - a. Proportionality Sentence - must match the gravity of the offense, considering the factual foreseeable and intended impact and the offenders' responsibility.
  - b. Equality/uniformity/Consistency and impartiality – Similar offenses in similar circumstances should lead to similar sentencing promoting fairness.
  - c. Accountability and Transparency – clear law-based reasoning for sentencing decisions is crucial, aligning with legal principles and the guidelines.
  - d. Inclusiveness – Both offenders and victims should have a role in and be informed about the sentencing process, promoting a comprehensive approach
  - e. The totality of sentence – Sentencing for multiple counts should be just and proportionate considering the offender's overall behavior
  - f. Respect for human rights and fundamental freedoms – sentencing should uphold rights dignity and freedoms fostering rights-oriented environment in Kenya.
  - g. Respect for Human Rights and International Standards - Kenya law sets Sentencing for offenses while International and Regional instruments provide guidance. These Standards include instruments like: The welfare of the child, The convention on the Rights of Child and United Nations Rules for the treatment of Women Prisoners.
11. 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 Standards while enhancing Public confidence in the Judiciary.
12. In the instant case, the accused struck the deceased on his head with a blunt object a Masai rungu without him having provoked.
13. Accused a first offender, having been in custody for three (3) years and a breadwinner to his four (4) children, the court notes that in the circumstances of the instant case, he deserves a custodial sentence and a proportionate one for his wrongful act thus the court sentencing the accused to a sentence of twenty (20) years imprisonment.

Right of Appeal explained.

**DATED, SIGNED, AND DELIVERED AT NYANDARUA THIS 7TH DAY OF MARCH 2024**

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**C KARIUKI**

**JUDGE**

