



REPUBLIC OF KENYA



**KENYA LAW**  
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**Solit v Republic (Criminal Appeal E054 of 2022)  
[2024] KEHC 2547 (KLR) (14 March 2024) (Judgment)**

Neutral citation: [2024] KEHC 2547 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAPSABET  
CRIMINAL APPEAL E054 OF 2022**

**JR KARANJA, J  
MARCH 14, 2024**

**BETWEEN**

**JUDITH SOLIT ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**JUDGMENT**

1. The Appellant, Judith Solit, was arraigned before the Chief Magistrate at Kapsabet for attempted murder, Contrary to Section 220(a) of the *Penal Code*, in particular that on the 1<sup>st</sup> November 2021 at about 19:00hours at Kapnyamisa Village Chsumei - Nandi County, she attempted to unlawfully cause the death of Renos Solit by stabbing him on the abdomen with a knife.
2. After a full trial, the Appellant was convicted and sentenced to serve a ten (10) year imprisonment term. She was aggrieved by the conviction and sentence and proffered the five (5) grounds of appeal set out in her petition of appeal filed herein in the month of December 2022. Her complaint was essentially on the sentence rather than the conviction as fortified in her written submissions which she fully relied on at the hearing of the appeal.
3. The Appellant thus contended that the sentence imposed on her by the trial court was excessive considering the circumstances of the case, her relationship with the Complainant with whom she lived, and the fact that the offence occurred within a family setup and that she was a remorseful first offender.
4. The State/ Respondent through the Learned Prosecution Counsel, Ms. Asiyo, opposed the appeal and contended in its written submissions that the ingredients of the offence were fully established and proved. That, the Appellant followed the Complainant into the bathroom armed with a knife and demonstrated the intention to kill him by stabbing him with the knife thereby causing him life threatening injury.



5. On sentence, the State/ Respondent submitted that although Section 220 of the *Penal Code* carries with it a life imprisonment sentence, the Appellant was handed a period of ten (10) years imprisonment which was too lenient considering that the Appellant almost took away the Complainant's life.  
The Respondent, nonetheless submitted that the sentence was lawful, but urged this court to dismiss the appeal in its entirety for want of merit.
6. Having considered the appeal on the basis of the supporting grounds and the rival submissions the duty of this court was to reconsider the evidence and arrive at its own conclusions bearing in mind that the trial court had the advantage of seeing and hearing the witnesses (see, *Okeno Vs. Republic* (1972) E.A. 39.
7. In that regard, the evidence led against the appellant by the prosecution through its seven (7) witnesses was carefully considered against the appellant's defence which indicated that the offence occurred while the Appellant and the Complainant (PW1) were intoxicated and engaged in a fight in the process.
8. However, the defence was incapable of disproving the Complainant's evidence that he was attacked and stabbed with a knife by the appellant while taking a bath. This was duly corroborated by the evidence of their teenage daughter (PW2). Their neighbour's Julia Cheron (PW3) and Julius Leting (PW4), confirmed that the Complainant was stabbed with a knife and seriously injured.
9. A Clinical Officer, Daniel Keitany (PW5) prepared the medical report. (P3 form) (P. Exhibit 3) indicating that the Complainant suffered grievous harm. The treatment notes (P. Exhibit 2) were produced by Dr. Edwin Kipchirchir Rono (PW7), on behalf of a Doctor Ngatia.
10. The case was investigated by CPL. Joseph Bore (PW6) of Mosoriot Police Station after which he charged the Appellant with the present offence.  
All the foregoing evidence by the prosecution witnesses was cogent and credible enough to disprove the Appellant's defence and prove beyond reasonable doubt that the Appellant did indeed attempt to kill her - Complainant husband following what was apparently a domestic disagreement.
11. Even in this appeal, the Appellant implied that her conviction for the offence was not really her concern but her sentence of ten (10) years imprisonment which she considers to be harsh and excessive. It would therefore be quite in order for this court to hold that the Appellant's conviction by the trial court was lawful, proper and sound. It is hereby affirmed.
12. On sentence, it was lawful and reasonable in the circumstances of the case. The Appellant's grounds of appeal and her submissions in that regard are nothing more than a plea for clemency and consideration being given to the fact that she is the Complainant's wife and truly remorseful for what happened on the material date, it would be appropriate in the circumstances to temper justice with mercy to the extent that the sentence imposed by trial court be reviewed downwards to five (5) years imprisonment.
13. Accordingly, the sentence of ten (10) years imprisonment is hereby set-aside and substituted for a sentence of five (5) years imprisonment less the period served in custody prior to the date of the sentence on 23<sup>rd</sup> November 2022. Save the alteration in sentence, the appeal is dismissed.

**DELIVERED AND DATED THIS 14<sup>TH</sup> DAY OF MARCH, 2024**

**J. R. KARANJAH,**

**JUDGE**

