



**Republic v Makokha & another (Criminal Case 20 of 2014)
[2024] KEHC 5535 (KLR) (17 May 2024) (Sentence)**

Neutral citation: [2024] KEHC 5535 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE 20 OF 2014
PJO OTIENO, J
MAY 17, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

EDWIN MUKWEYU MAKOKHA 1ST ACCUSED

BENSON MAHITSI MAHAKA 2ND ACCUSED

SENTENCE

1. The 2nd Accused is a repeat offender who committed an offence while on bond. He was charged and convicted of stealing a pig and sentence to one (1) year imprisonment. He still serves that sentence.
2. The court has considered the circumstance under which the offence was committed, the pre-sentence report and the address on mitigation by both the defence and prosecution.
3. The court appreciates the offence of murder to be very grave and never justifiable after conviction. While appreciative of the need for correction and rehabilitation, the court equally appreciates the purpose of criminal law to enforce peace and safety of the citizens.
4. The court considers the imposition of a non-custodial sentence to be inappropriate in meeting the need for correction, rehabilitation and subsequent reintegration of the Accused into society as useful citizens.
5. For that reason, the court is left with the option of custodial sentence and sentences the accused person to each serve an imprisonment term of twenty five (25) years.
6. The terms be computed from the 29.2.2024 when they were convicted and their bonds cancelled.
7. Right of appeal within fourteen (14) days from today is explained. Let the court file be closed.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 17TH DAY OF MAY, 2024.



PATRICK J. O. OTIENO

JUDGE

In the presence of:

Ms. Chala for the Prosecution

Ms. Mahuni for the Accused

Court Assistant: Polycap

