



**State v Bochere & another (Criminal Case E041 of 2023)
[2024] KEHC 7112 (KLR) (5 June 2024) (Sentence)**

Neutral citation: [2024] KEHC 7112 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISII
CRIMINAL CASE E041 OF 2023**

TA ODERA, J

JUNE 5, 2024

BETWEEN

STATE PROSECUTION

AND

RUTH BOCHERE 1ST ACCUSED

DENNIS KARANI 2ND ACCUSED

SENTENCE

1 Accused was initially charged with murder but she entered into a plea bargain agreement and the charges were reduced to manslaughter contrary to section 202 as read with 205 of the penal code. She pleaded guilty and the matter is now for sentencing. A pre-sentence report was filed on 5.6.24 and I have perused it, I note that the offender is aged 19 and is a young mother of a tender 5-month old baby who was born while she was in custody. The child is not an offender and is entitled to his rights under Article 53 of the constitution. The deceased's family is still bitter with her and had vowed to take unspecified action if she is released on a custodial sentence. They also indicated that the deceased left a young child who has been left without care. The local administration indicated that she has strong community ties. The circumstances of the offence were those of a love triangle as deceased was said to be having an affair with the former accused number 2 herein who was the husband to the offender. The offender confronted deceased and her said husband late at night in the house of the deceased and an argument ensued and the deceased drew a knife and threatened to stab the officer with it and the offender snatched it from her and stabbed her with it and she sustained fatal injuries. These actions of the offender must be condemned and not be tolerated. I agree with the probation officer that the totality of the circumstances of this case call for the offender to be temporarily removed from the sight of the community to avoid revenge from the family of deceased. There is also need for the offender to be rehabilitated and taught necessary life skills and training which will assist her to cope with life upon completion of her sentence. I have also taken into account the remand period the fact that she entered



into a plea bargain agreement and saved the courts precious time and all the relevant factors. I proceed to place her on probation for 3 years out of which she will serve one year at Siaya Girls Probation Hostel and 2 years in the community.

T.A ODERA

JUDGE

6.24

Delivered Virtually in the presence of:

The offender Miss Nyandoro for the offender

Mr. Koima for prosecution

Court Assistant: Oigo

Atinda: I request that she remains at Kisii women prison for 5 days as I organise for logistics of taking her to Siaya Probation Hostel.

Order: granted.

T.A ODERA

JUDGE

