



**Republic v Lelenkeju (Criminal Case 13 of 2018)  
[2024] KEHC 10983 (KLR) (18 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10983 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NANYUKI  
CRIMINAL CASE 13 OF 2018  
AK NDUNG’U, J  
SEPTEMBER 18, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**ALIKUWA LELENKEJU ..... ACCUSED**

**RULING**

1. The accused Alikuwa Lelenkeju was upon conclusion of this trial found guilty and convicted of murder contrary to section 203 of the [Penal Code](#).
2. The sentence for the offence is provided under section 204 of the [Penal Code](#) which sentence is death.
3. I have considered that the State is treating the accused as a first offender. I have considered that the accused is 63 years old. The pre-sentence inquiry report filed portrays a person who showed no remorse for his actions. The victim’s family were very adversely affected by the death of their bread winner.
5. I have had due regard to the able submission by counsel Mukhama for the accused in mitigation. That the accused is a first offender. He has 8 children and 5 of them are still in school. Counsel further stated that the accused has been in custody since 7/8/18.
6. Mr Gitimu for the state submitted that there exists aggravating factors in the commission of the offence herein and that the taking of life unjustifiably should be severely punished. The call for leniency is challenged in that the accused is not remorseful. Counsel submits that leniency should only be available to those who atone for their sins. It is submitted that the loss and turmoil the victim’s family have undergone should not be downplayed. On the question of age, it is submitted that the accused committed the offence when old. That old age did not stop him from committing the offence. The state sought the maximum sentence.



7. The circumstances surrounding this case point to a murder most foul. The senseless killing of the deceased by the accused was pre-meditated and deliberate. The accused waylaid a defenceless man whom he cut with abandon no doubt inflicting a very painful death.
8. In spite of such a heinous act, the accused remains unrepentant and unremorseful for his act. The pre-sentence report has little positives to say about the accused. The community whose one of them he killed had welcomed him and his family to live in the area only for him to inflict the devastating loss of a human life.
9. In view of the above, am persuaded that a deterrent sentence is desirable.
10. The accused is sentenced to 30 years imprisonment to run from 7/8/18.

It is so ordered.

**DATED SIGNED AND DELIVERED IN OPEN COURT THIS 18<sup>TH</sup> DAY OF SEPTEMBER 2024**

**A.K. NDUNG’U**

**JUDGE**

