



REPUBLIC OF KENYA



**Republic v Maritim (Criminal Case 17 of 2017)  
[2023] KEHC 1242 (KLR) (16 February 2023) (Sentence)**

Neutral citation: [2023] KEHC 1242 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
CRIMINAL CASE 17 OF 2017  
AN ONGERI, J  
FEBRUARY 16, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**DANIEL KIPKEMOI MARITIM ..... RESPONDENT**

**SENTENCE**

1. The accused person was convicted with the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#).
2. This court has considered the mitigation given on account of the accused person. The defence counsel said the accused person is remorseful for the offence he committed.
3. It was further submitted in mitigation that the accused person did not intend to kill his wife and further that he found his wife committing adultery with the deceased and they were not remorseful. He got angry and hit the deceased with a metal object.
4. It was further said in mitigation that the accused person has reformed and further that he has been baptized and he is now a born again Christian.
5. Further, that his wife has since left the matrimonial home due to shame and embarrassment leaving their six children unattended.
6. The Probation Officer filed a pre-sentence report which details the social background of the accused person. The report said the accused person was a law abiding citizen and not a menace to society.
7. The offence of murder is a serious one for which the law provides for a death sentence.
8. Taking into account the Supreme Court decision in the case of [Francis Karioko Muruatetu -vs- Republic](#), I sentence the accused person to 30 years imprisonment.



Right of appeal - 14 days (Explained).

**DELIVERED, DATED AND SIGNED AT KERICHO THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2023.**

**A. N. ONGERI**

**JUDGE**

