



**Republic v Koech (Criminal Case E044 of 2021)
[2023] KEHC 20851 (KLR) (20 July 2023) (Sentence)**

Neutral citation: [2023] KEHC 20851 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E044 OF 2021
HM NYAGA, J
JULY 20, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

CHRISTINE AKHNESINWA KOECH ACCUSED

SENTENCE

1. I had given directions in my ruling delivered on May 2, 2023.
2. Subsequently, a report was filed by the probation and after care service. The salient features of the report are;
 - i. The accused's husband is serving a prison sentence.
 - ii. The couple's four (4) children were divided among their relatives after the accused was arrested. Some are facing challenges in taking care of the said children.
 - iii. The accused's father and uncle are willing to accept her back, to enable her take care of her children.
 - iv. The accused's neighbours have also expressed their willingness to accept her back.
3. The Probation Officer recommends a Probation Sentence for a term of three (3) years.
4. I must reiterate the dilemma the court finds itself in, given the circumstances of the case. While I would want the accused to atone for her actions, I am also keen not to punish her for something she did without full control of her senses.



5. I note that the accused has been in custody since September 2021, almost two (2) years to the day. If it is retribution, then she had duly paid her dues.
6. This is a special case that requires special attention and in the circumstances, I am convinced that, a prison sentence is not the best way to handle this accused.
7. Therefore I will concur with the Probation Officer and place the accused on Probation as recommended. She should be closely monitored so that she does not lapse into the mental condition she was in at the material time. She will also get a chance to take care of her children as a single mother.
8. In conclusion, I place the accused on Probation for three (3) years. The terms are explained to her.
9. Right of Appeal is explained to the state and defence.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 20TH DAY OF JULY, 2023.

HESTON M. NYAGA

JUDGE

In the presence of;

C/A Jeniffer

Ms Murunga for state

Accused present

