



**Republic v Lokibuk (Criminal Case E029 of 2023)
[2024] KEHC 15261 (KLR) (3 December 2024) (Sentence)**

Neutral citation: [2024] KEHC 15261 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E029 OF 2023
JM NANG'EA, J
DECEMBER 3, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

DAVID LOSIKE LOKIBUK ACCUSED

SENTENCE

1. The accused herein pleaded guilty to the lesser offence of Manslaughter Contrary to Section 205 of the [Penal Code](#) after initially being charged with Murder Contrary to Section 203 as read with Section 204 of the same [Code](#). This was the culmination of plea bargain between the Director of Public Prosecutions and the accused pursuant to the Section 137A of the [Criminal Procedure Code](#).
2. In her mitigation submissions the defence Counsel (Ms Mungai) told the court that the convict is 20 years or thereabouts and the deceased was his child. He is said to have been drunk when he caused the death in question. Urging the court to consider a non-custodial sentence, Counsel wants her client to be given credit for entering into the plea bargain. The court is also told that the accused has been in remand custody for over a year during which he had occasion to reflect. Both his parents were dependent on him.
3. The Prosecution Counsel (Ms Sang) replies that although the offender has no previous criminal records, the court should take into account that a life was lost. According to Counsel, a non-custodial sentence is not appropriate in the circumstances of the case.
4. I have considered the submissions against the applicable principles of sentencing and the operational Judiciary Sentencing Guidelines. It is noted that the offender is youthful and has no criminal antecedents. It is a mitigating factor that he entered into the Plea Agreement and thus helped reduce costs which is in keeping with public policy. The victim's mother is said to have separated with the offender after commission of the offence.



5. The Probation Officer's pre-sentence report dated 5/11/2024 indicates that the families of the offender and the victim's mother have agreed on reconciliation terms. It is recommended in light of the foregoing that the convict be placed on three (3) years probation for counselling.
6. The circumstances in which the victim's death occurred are most gruesome. The ten (10) months old child was bludgeoned on the head with a club resulting in bleeding and death. The personal sentiments of the deceased's mother have not been captured in the probation report. In my view, it is not sufficient for the Probation Officer to report that her family is reconciling with that of the accused as even the terms of the said reconciliation are not stated.
7. Having considered the relevant factors, I concur with the prosecution Counsel that a custodial sentence is imperative to better deter the offender. While I appreciate the stated mitigating circumstances, the accused perpetrated a vicious attack against an innocent young soul who depended on him for protection. That he was drunk is not an acceptable excuse.
8. Doing the best I can, I sentence the offender to twelve (12) years imprisonment to commence from the date of his arrest on 6/8/2023 as per the charge sheet and information presented before the court.

J. M. NANG'EA, JUDGE.

RULING DELIVERED THIS 3RD DAY OF DECEMBER, 2024 IN THE PRESENCE OF:

The Prosecution Counsel, Ms Sang

Ms Mungai Advocate for the accused

The accused person

J. M. NANG'EA, JUDGE.

