

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO.13 OF 2017

REPUBLIC.....PROSECUTION

VERSUS

PETER KIPLANGAT RUTO.....ACCUSED

SENTENCE

1. The accused has been convicted of murder, whose statutory sentence is death. However, following the decision of the Supreme court, in **Francis Muruatetu & Ano. -vs- Republic – Petition 15 and 16 of 2015**, the death penalty though legal, was declared to be the maximum sentence. Courts have thus a discretion to mete out appropriate sentences under the specific circumstances of each case.
2. The accused is a first offender as the prosecution does not have any previous conviction. The defence counsel has asked for a lenient sentence as the accused is remorseful and is a father of two children who need his care and attention.
3. A pre-sentence report prepared by the Probation Officer, Kericho, and filed on 8th May 2019 stated that the accused is aged 34 years and the deceased was his wife. According to the report, the accused had a standing strained relationship with the deceased because she was a drunkard and engaged in extra marital relationships, and that on the material day the deceased was escorted home by a man. The Probation Officer thus recommended a probation sentence, though the victim's family was not willing for reconciliation.
4. In my view, a probation sentence is not appropriate in this case where a machete was used to shorten a precious life, and the mother of the two young children of the accused. The force and weapon used were meant to cause death through severe pain.
5. I sentence the accused to serve 22 years imprisonment. Right of appeal explained.

Dated at Kericho this 13th June 2019.

GEORGE DULU

JUDGE