

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAROK

CRIMINAL CASE NO. 7 OF 2018

REPUBLIC..... PROSECUTOR

VERSUS

KENNETH NAPUTA ESHO.....ACCUSED

JUDGEMENT ON SENTENCE

1. I have already convicted the accused for murder. The issue before me is one of imposing the appropriate sentence upon him. In considering the issue, I am required to take into account both the mitigating and aggravating factors.

2. The mitigating factors are as follows. The accused is a first offender. The accused is a young man aged 27 years. He has been in custody since 3rd January 2018, which is now about one and a half years. The accused has two young children, whom he takes care of.

3. The aggravating factors are as follows. A life of a young adult has been lost. The deceased sustained a severe head injury attended by a skull fracture, subdural haematoma, brain laceration and contusion due to a blunt force trauma. The accused abuses alcohol. The family members of the accused and his community are all against a non-custodial sentence. The local governmental administration decided to leave the matter to the discretion of the court. The victim's family are demanding justice from the court.

4. I have considered all these matters. As a result, I find that the appropriate sentence is one of eighteen years imprisonment, which I hereby impose upon the accused.

Judgement dated, signed and delivered at Narok in open court on this **2nd day of July 2019** in the presence of Mr. Omwega for the state and Mr. Meing'ati for the accused.

J. M. Bwonwonga

Judge

2/7/2019