

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAROK

CRIMINAL CASE NO. 16 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

MICAH KIPKURUI RUTO.....ACCUSED

JUDGEMENT ON SENTENCE

1. The accused stands convicted of murder. The issue before me is one of the appropriate sentence, which ought to be imposed upon the accused. In considering the appropriate sentence, I am required to take into account both the mitigating and aggravating factors
2. The mitigating factors are as follows. The first is a first offender. According to the probation officer (Mr. John Bett), the accused is aged 45 years old and used drugs while working for a security firm in Nairobi. According to Mr. Kiptoo for the accused, the accused has been in custody for three years and is also remorseful. The family of the accused are opposed to the imposition of a non-custodial sentence. The children of the accused were so traumatized to the extent that they cannot stand the sight of him.
3. The aggravating factors are as follows. Mr. Omwega for the prosecution has urged the court to impose a sentence that is both deterrent and reformatory, since a life has been lost. He further urged the court to take into account that the deceased was the mother of the accused. The accused inflicted serious multiple fracture injuries on the head of the deceased. The deceased was an elderly lady. The deceased must have suffered a painful death as a result of those injuries.
4. The family members of the accused are against the imposition of a non-custodial sentence as they are still traumatized. The local governmental administration is also against the imposition of a non-custodial sentence. The community are also of a similar view.
5. I have considered the foregoing matters. As a result, I find that a custodial sentence is called for. I therefore find that the suitable sentence is sixteen years imprisonment, which I hereby impose upon the accused.

Judgement dated, signed and delivered at Narok in open court this 1st day of July 2019 in the presence Mr. Omwega for the state and Mr. Kiptoo for the accused.

J. M. Bwonwonga

Judge

1/7/2019