

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAROK

CRIMINAL CASE NO. 5 OF 2018

REPUBLIC.....PROSECUTOR

VERSUS

GEOFREY KIPNGENO KIRINYET.....ACCUSED

JUDGEMENT ON SENTENCE

1. The issue before me now is the appropriate sentence to be imposed upon the accused. I doing so, I am required to take into account both the aggravating and mitigating factors.
2. The aggravating factors include the following. A life of a single parent mother of young children has been lost. The murder of the deceased was in front of the siblings of the deceased. They were traumatized and this has left a permanent bad memory in them. The orphans have to be catered for by close relatives.
3. The mitigating factors include the following. The accused is a first offender. He is a young man aged 23 years old. He committed the offence under the influence of alcohol. The accused is remorseful. He has been in custody for one year and two months. The family of the deceased and that of the accused are in reconciliation negotiations with a view to compensate the family of the deceased.
4. A social report was prepared and filed by the probation officer (Mr. John Bett) upon the application of Ms. Adallah for the accused. The report shows the following. The family owns one of land, which is used for subsistence. The family mainly depends on casual contracts for a living. The accused left primary school in class 7 on his own volition in 2009, because he did not see himself getting fees from the family for his secondary school due to the economic status of the family.
5. Furthermore, the first husband of the deceased sired three children with the deceased. He left the matrimonial home due to domestic differences. She met the accused at Mulot while working in a hotel. She started cohabiting together with the accused until she met her death.
6. In addition to the foregoing, the family of the accused have stated the process of reconciliation and compensation. *“They first assisted the victim’s family towards meeting the hospital and funeral expenses by paying kshs 5,000 and a cow to meet other expenses. They later paid another cow as required by Kalenjin customs and tradition. They are yet to call for clan elders meeting to decide on the value and mode of compensation which is to be scheduled soon.”*
7. This reconciliation and compensation process is highly commendable and should be encouraged. It restores and promotes peace and the social equilibrium in the affected community.
8. I have considered all the foregoing matters, and find that the appropriate sentence is fifteen years’ imprisonment, which I hereby impose upon the accused.

Judgement signed, dated and delivered at Narok in open court this 1st day of October 2019 in the presence of Ms. Nyaroita for the state and Ms. Adallah for the accused.

J. M. Bwonwonga

Judge

1/10/2019