

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 53 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

BENSON LADAMA KIMELENY.....ACCUSED

RULING ON SENTENCE

The accused, BENSON LADAMA KIMELENY, was charged and convicted of the offence of murder contrary to section 203 as read with section 204 of the Penal code for the murder of EMMANUEL LEMASHON KONGU on 25th October 2015 at Kilgoris Township in Transmara West within Narok County.

The brief facts are that he followed the deceased and his lover before viciously attacking him and raping PW 1. I am satisfied that the offence is serious as it was coupled with a felonious act on another victim.

I have considered the mitigation as the accused is young and prays for leniency. Taking into account that he spent two years in custody before he was released on bail, I sentence the accused to eighteen (18) years imprisonment. He is informed of his right of appeal.

Dated and delivered at Kisii this 3rd day of December 2018.

D.S MAJANJA

JUDGE

Mr. Otieno, Senior Prosecution Counsel, instructed by Office of Director of Prosecutions.

Mr. Nyangacha Advocate, for the accused.