



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KISII**

**CRIMINAL CASE NO. 8 OF 2017**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**FRANCIS KITIYIA NAIRENKE.....ACCUSED**

**RULING ON SENTENCE**

The accused, FRANCIS KITIYIA NAIRENKE has been convicted of the murder of JOHN NAKUTOI LOKOMAR which took place on 29<sup>th</sup> April 2017 at Enaigeny Sub-location, Transmara West Sub-County within Narok County.

The accused accosted the deceased who although he had surrendered, proceeded to cut off the deceased's hands causing him to bleed and die.

I have taken into account that the accused assaulted a defendless person which is a grave factor. On the other hand the accused is young, has expressed leniency and seeks a non custodial sentence.

To my mind given the seriousness of the murder, a non custodial sentence is out of the question. I sentence the accused to fifteen (15) years imprisonment. Right of Appeal explained.

**Dated and delivered at Kisii this 3<sup>rd</sup> 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.