



**Republic v Ashioya (Criminal Case E2489 of 2023)
[2025] KEMC 137 (KLR) (3 June 2025) (Sentence)**

Neutral citation: [2025] KEMC 137 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
CRIMINAL CASE E2489 OF 2023
PA NDEGE, SPM
JUNE 3, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

BENSON ASHIOYA ACCUSED

SENTENCE

1. The accused person herein, Benson Ashioya, has been convicted upon own plea of guilt of the offence of Incitement to Violence contrary to Section 96 of the Penal Code. He has admitted that on 7/10/2023 at Kamnyangale Shopping Centre Area in Rongai Sub-County within Nakuru County, without lawful excuse, he uttered words ‘piga wao mawe’, which words led the youths to throw stones to police officers No. 22XXXXX PC Edwin Koima and NO. 74XXXXX PC Benson Mwinzi who were on patrol, an act which was calculated to lead to violence.
2. He is a first-time offender as no previous records were furnished by the prosecution. Additionally, he has shown remorse, vowing not to reoffend. He has pleaded guilty and thereby saved the court’s time. Moreover, he has been in remand custody since 12/10/2023. Considering the above factors and the principles of sentencing of proportionality as enshrined in the Sentencing Policy Guidelines of 2023, I find the period served in remand to be adequate punishment in the circumstances and consequently do hereby discharge the accused person pursuant to section 35(1) of the Penal Code.

14 days Right of Appeal explained

DATED, SIGNED AND DELIVERED AT NAKURU IN OPEN COURT THIS 03.DAY OF JUNE, 2025.

ALOYCE-PETER-NDEGE

SENIOR PRINCIPAL MAGISTRATE



In the presence of;

Court interpreter- Janet

Prosecution counsel- Macharia

Accused- Present

Victims:N/A

