



**Republic v Kimutai (Criminal Case E004 of 2024)  
[2025] KEHC 15385 (KLR) (30 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15385 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ITEN  
CRIMINAL CASE E004 OF 2024  
E OMINDE, J  
OCTOBER 30, 2025**

**BETWEEN**

**REPUBLIC ..... COMPLAINANT**

**AND**

**ELIUD KIPROTICH KIMUTAI ..... ACCUSED**

**RULING**

1. This matter is coming for sentencing following the directions that the court gave in its Ruling delivered on 9th July 2025 and on 1<sup>st</sup> October 2025 wherein the Court directed that the Probation Office seeks for a vacancy for the Accused in a Borstal Institution. In its Report dated 21<sup>st</sup> October 2025, the Probation Officer for Kapsowar Station one Josephine Sami stated that the Borstal Institutions receive Boys between the ages of 15 to 17 years and that the accused having now attained the age of 18 years could not be admitted in any of the Institutions.
2. She therefore reiterated her earlier proposal that the Accused be sentenced to a probation term of three years and that he be committed to the Nairobi Probation Hostel for a period of one year and after his release from the Hostel, he spends the remaining two years under community supervision. I have considered this proposal and in light of the fact that at the time of the commission of the offence the accused herein was a minor, the court now hereby adopts the sentence as proposed in the Probation Report and the accused is accordingly sentenced.
3. Right of Appeal 14 days

**READ DATED AND SIGNED AT ELDORET ON 30<sup>TH</sup> OCTOBER 2025**

**E. OMINDE**

**JUDGE**

