



**Republic v Mugo (Criminal Case E001 of 2022)
[2025] KEHC 17471 (KLR) (26 November 2025) (Sentence)**

Neutral citation: [2025] KEHC 17471 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E001 OF 2022
JK SERGON, J
NOVEMBER 26, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

DAVID KAMORE MUGO ACCUSED

SENTENCE

1. David Kamore Mugo, the accused herein was tried and convicted for the offence of murder Contrary to Section 203 as read with Section 204 of the Penal Code.
2. The particulars of the offence are that on 19th December, 2021 at Nairobi Village in Liloch Location in Kipkelion Sub-County within Kericho County, the accused murdered Ruth Wanjiru Kamore.
3. Upon convicting the accused and the prosecution invited the accused and the prosecution to submit in mitigation. This Court also directed the Kericho County Probation Officer to file a Pre-sentence Report.
4. Mr. Morata, Learned Counsel for the defence made oral submissions urging this Court to mete out a lenient sentence. He stated that the accused and the victim were blessed with seven children of whom four (4) are schooling in various High Schools. It is also pointed out that the accused is sole bread winner and that he has strong community ties and therefore worthy of an option for rehabilitation.
5. The Learned Counsel further stated that the accused is a first offender and that there are favourable positive reports from the administration. It is also submitted that the victim’s family together with the three (3) grown up children have forgiven the accused. The Accused is said to have gone through mental turmoil for the loss of his wife, the Deceased.



6. The Learned Advocate urged this Court allowed the accused who is now aged 59 years old to benefit from the Judiciary Sentencing Guidelines that provide for the rehabilitation of an accused person. This Court was beseeched to pronounce a non-custodial sentence as proposed in the Pre-sentence Report.
7. Miss Maundu, Learned Assistant Director of Public Prosecution urged this Court to note that the accused has shown no remorse and has instead kept own blaming an unknown third party for the death of the deceased. The Learned counsel argued that the strong community ties exhibited by the accused cannot negate criminal responsibility.
8. The Kericho County Probation Officer has filed the Pre-sentence Report dated 22nd October, 2025. In the Pre-sentence Report, it is indicated that the accused still denies having caused the injury sustained by the deceased on the material date and does not know how the deceased sustained the fatal injury.
9. In the report, it is noted that the accused had stated that in cause a custodial sentence is meted out against him, the education of his children and their lives will be impacted negatively. In the Pre-sentence Report, it is stated that the children wholly depend on him for daily upkeep and their education. The Pre-sentence Report paints the accused to be a person of strong ties with the community. It is said that the accused relates well with the villagers and has not exhibited any anti-social behavior while free on bond. It is proposed by the County Probation Officer that the accused should benefit from a non-custodial sentence.
10. Having considered the submissions in mitigation and the Pre-sentence Report, it is clear that despite being found guilty for the offence of murder, the accused still denies having committed the offence of murder. It is also apparent that the accused is obviously not remorseful and does not believe he is criminally liable.
11. This Court is of the opinion that a short custodial sentence is the most appropriate sentence in the circumstances of this case. The record shows that the accused was held in custody for five (5) months before being released on bond.
12. Under Section 333(2) of the Criminal Procedure Code, the period spent in custody must be factored in while sentencing the convict. The Accused is hereby sentenced to serve 5 years imprisonment less the five (5) months spent in custody.
13. Consequently, the accused person is therefore sentenced to serve 4 years and 7 months imprisonment.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 26TH DAY OF NOVEMBER, 2025.

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J. K. SERGON

JUDGE

In the Presence of:-

C/Assistant – Rutoh

Prosecutor – Maundu

Accused – Present in Person

Morata for the Accused

