



**Republic v Saningo (Criminal Case E005 of 2025)
[2026] KEHC 3058 (KLR) (6 March 2026) (Sentence)**

Neutral citation: [2026] KEHC 3058 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KILGORIS
CRIMINAL CASE E005 OF 2025
CM KARIUKI, J
MARCH 6, 2026**

BETWEEN

REPUBLIC PROSECUTOR

AND

AMOS SANINGO ACCUSED

SENTENCE

1. The accused was charged with an offense of murder which after charges were read to him, he pleaded not guilty and matter went into pretrial directions. Later the prosecution and defence went into a plea bargain culminating into a compromise in which a plea agreement was entered into leading to the substitution information of murder with one of manslaughter.
2. The charges in manslaughter read that the accused on the 31.12.2025 at 21 hours at Ololoshangi village, Osupuko location within Trans Mara west sub-county. Within Narok county caused the death of David Kisaka Kaini Sakwa.
He pleaded guilty to the charges of the offence of manslaughter and upon the facts being read to the effect that see paragraph 8 of the Plea Agreement.
3. He admitted the same and he was convicted on his plea. The prosecution informed court that as there were no previous record, he be treated as a first offender. In mitigation via his advocate, he is said to be remorseful and regrets killing his father as he was fighting his sister. That he has been in custody since 4.6.2025 for about ten months.
4. The post-conviction report dated 26.2.2026 recommends accused to serve some period of custodial sentence to allow social modification of social environment, rehabilitation and eventually reintegration and further probation sentence to facilitate his reintegration and further supervision and rehabilitation.



5. The agrees with the recommendation and thus moves to the issue of sentencing.
6. In Kenya, where an offence was committed while the accused was a minor, but conviction and sentencing occur after attaining adulthood, the court must be guided primarily by the law applicable at the time the offence was committed, not the age at conviction.
7. The key legal framework is the: *Children Act* Penal Code Constitution of Kenya
8. Age at the Time of the Offence is Determinative
9. The court considers: The offender's age at the time of commission of the offence.
10. Whether he was a "child" (under 18 years). Under Article 53(1)(f) of *the Constitution* of Kenya, a child has the right: Not to be detained except as a measure of last resort and, if detained, to be held for the shortest appropriate period.
11. This protection applies if the person was a child when the offence was committed.
12. Sentencing Must Reflect Child Justice Principles
13. Even if the offender is now an adult, the court must apply: Best interests of the child principle Rehabilitation and reintegration Proportionality Avoidance of harsh custodial punishment Under the *Children Act*, a child offender: Cannot be sentenced to death. Cannot be imprisoned with adults. Should preferably receive non-custodial or rehabilitative measures.
14. Custodial Sentences After Attaining 18; If the offender is already over eighteen at sentencing: The court cannot send him to a borstal institution if he is beyond the statutory age limit. However, the sentence must still reflect that the offence was committed while a minor; The court may: Impose a reduced custodial sentence. Consider time already spent in remand (especially if spent in adult facilities) Consider mitigation relating to youthfulness at the time of offence.
15. Judicial Approach in Kenya
16. Kenyan courts have emphasized that: Criminal responsibility attaches based on age at the time of offence. Sentencing must consider diminished moral blameworthiness of minors. The court must avoid imposing a sentence that would have been illegal had it been imposed while the offender was still a child.
17. The Supreme Court decision in: *Francis Karioko Muruatetu & Another v Republic* (though primarily about mandatory death sentence) reinforces individualized sentencing and proportionality, which strongly applies where the offender was a minor at the time of offence.
18. Practical Factors the Court Will Consider: The court will typically consider: Exact age at time of offence Nature and gravity of the offence Period taken before conclusion of trial. Conduct of the accused since commission Possibility of rehabilitation Time already served Whether delay prejudiced the accused
19. In conclusion
20. Where an accused person committed an offence while a minor but is convicted after attaining majority, the court must sentence him in accordance with the law applicable to children at the time of commission of the offence, bearing in mind the constitutional principles of the best interests of the child, rehabilitation, and proportionality.
21. Thus, court makes the orders.



- I. The accused is sentenced to serve four (4) years imprisonment after discounting the period of about 10 months in custody thereafter he will serve probation sentence for period for one (1) year.

DATED AND DELIVERED THIS 6TH MARCH 2026 AT KILGORIS VIA TEAMS MICROSOFT

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CHARLES KARIUKI

JUDGE

