

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT ELDORET**  
**CRIMINAL CASE NO. E083 OF 2016**

**REPUBLIC ..... PROSECUTION**  
**VERSUS**  
**JOASH KICHWEN ..... ACCUSED**

**Coram: Before Justice R. Nyakundi**  
**M/s Ngeno, Ondieki & Co Advocates.**

**DIRECTIONS**

- 1.** On 13<sup>th</sup> February, 2026, the Accused Person was charged, tried and convicted of the offence of Murder, contrary to *Section 203 as read with Section 204 of the Penal Code*. The judgment was delivered by the Honourable Justice Wananda John R. Anuro, the learned Judge who presided over the full trial of this matter.
- 2.** When the matter came up before the court on 4<sup>th</sup> March, 2026 for the purposes of sentencing, the learned Judge indicated that he was on transfer and directed that the matter be taken up by the incoming Judge. The court further noted that the Probation Department had sought additional time to file a Pre-Sentence Report and accordingly granted an extension of fourteen (14) days for that purpose.
- 3.** On the same date, learned Counsel Mr. Ondieki brought to the attention of the court that the Accused Person was reportedly afflicted with stage four cancer and urged the court to consider releasing the Accused pending sentencing to enable him receive medical attention. The court directed Counsel to file the relevant medical documentation to enable the court appreciate the Accused's current state of health.
- 4.** The matter subsequently came before this court on 30<sup>th</sup> March, 2026, whereupon a date for sentencing was fixed for 9<sup>th</sup> April, 2026.

However, upon reflection, it is evident that it would be most appropriate, both procedurally and in the interest of justice for the sentencing to be conducted by the learned Judge who presided over the trial. This is so because Honourable Justice Wananda John R. Anuro had the benefit of hearing all the evidence, evaluating the demeanour of the witnesses, and assessing the nature and gravity of the offence, as well as the aggravating and mitigating circumstances attending the commission thereof. Those considerations are integral to the proper exercise of sentencing discretion.

5. In the premises, I hereby direct that this file be placed before the Deputy Registrar for onward transmission to Honourable Justice Wananda John R. Anuro, who shall take up this matter and proceed to sentence the Accused Person.
6. It is so ordered.

**DATED AND SIGNED AT ELDORET THIS 21<sup>ST</sup> DAY OF APRIL, 2026**

.....

**R. NYAKUNDI**  
**JUDGE**