Republic v Shaklane (Criminal Case E016 of 2025)
[2026] KEHC 6341 (KLR) (7 May 2026) (Ruling)

Neutral citation: [2026] KEHC 6341 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT GARISSA

CRIMINAL CASE E016 OF 2025

JN ONYIEGO, J

MAY 7, 2026

BETWEEN

REPUBLIC ..... PROSECUTOR

AND

SHAFA BILAL SHAKLANE ..... ACCUSED

RULING

1. The accused person herein is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code (Cap.63) Laws of Kenya. The particulars of the offence are that on 16th day of November, 2025 at around 0000hrs, at Borehole 5, Fafi Sub-County, Garissa County, he murdered Safiya Hussein Bilal.

2. Having denied the charge, the case proceeded to full trial. Consequently, prosecution called 6 witnesses in its endevour to prove its case.

3. According to the pre-sentence report dated 4th May 2026, the accused is not suitable for non-custodial sentence due to hostility by his family who are also the victim's family and the community.

4. In mitigation, the accused person pleaded for leniency on grounds that; he is a first offender; he is remorseful; he is epileptic; he is mentally ill and that the victim was his family relative.

   On its part, prosecution urged that the accused person is not remorseful; the death was caused in a cruel manner; the accused used excessive force in the circumstances and that he deserves a maximum sentence commensurate with the offence committed.

5. It is trite law that sentencing is at the discretion of the trial court. See Kipkoech Kogo - vs - R. Eldoret Criminal Appeal No.253 of 2003 where the Court of Appeal stated thus;

   " sentence is essentially an exercise of discretion by the trial court and for this court to interfere it must be shown that in passing the sentence, the sentencing court took into account an

irrelevant factor or that a wrong principle was applied or that short of these, the sentence itself is so excessive and therefore an error of principle must be interfered (see also Sayeka – vs- R. (1989 KLR 306)"

6. Similar position was stated by the court of appeal in Bernard Kimani Gacheru vs. Republic [2002] eKLR where it was stated that:

> " It is now settled law, following several authorities by this Court and by the High Court, that sentence is a matter that rests in the discretion of the trial court. Similarly, sentence must depend on the facts of each case. On appeal, the appellate court will not easily interfere with sentence unless, that sentence is manifestly excessive in the circumstances of the case, or that the trial court overlooked some material factor, or took into account some wrong material, or acted on a wrong principle. Even if, the Appellate Court feels that the sentence is heavy and that the Appellate Court might itself not have passed that sentence, these alone are not sufficient grounds for interfering with the discretion of the trial court on sentence unless, anyone of the matters already states is shown to exist."

7. It is however worth noting that in exercise of its discretion, a court is duty bound to take into consideration certain guiding principles inter alia; the aggravating nature of the offence committed; the mitigating factors; pre-sentence report; previous criminal record of the accused; and victim impact assessment report. See judiciary sentencing policy guidelines clause 4.5 of 2023.

8. This court is pretty aware of the objectives of sentencing which are also captured in the judiciary sentencing policy guidelines clause 1.3.1 of 2023 as; retribution, deterrence, rehabilitation, restorative justice, community protection, denunciation, reconciliation and reintegration.

9. I have considered the circumstances under which the offence was committed, the pre-sentence report and the mitigation on record. Accused is a first offender and remorseful. His own family is bitter with what he did. However, considering the brutal manner in which the complainant was murdered, a deterrent sentence is necessary.

10. Accordingly, I find an imprisonment term of 20 years sufficient. In imposing this sentence, I have already considered the period spent in remand custody.

ROA 14 days.

DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 7TH DAY OF MAY, 2026

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J. N. ONYIEGO

JUDGE