



**Bett v County Assembly of Kericho & 2 others; Bett & another (Citee)  
(Petition E013 of 2024) [2025] KEHC 5423 (KLR) (30 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5423 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
PETITION E013 OF 2024**

**JK SERGON, J  
APRIL 30, 2025**

**BETWEEN**

**HON. ERIC BETT ..... PETITIONER**

**AND**

**COUNTY ASSEMBLY OF KERICHO ..... 1<sup>ST</sup> RESPONDENT**

**THE SPEAKER, COUNTY ASSEMBLY OF KERICHO ..... 2<sup>ND</sup> RESPONDENT**

**HON. HARON ROTICH ..... 3<sup>RD</sup> RESPONDENT**

**AND**

**HON. CHERUIYOT BETT ..... CITEE**

**HON. PAUL BII ..... CITEE**

**RULING**

1. On 27<sup>th</sup> March, 2025, the Citees namely Dr. Patrick Mutai, Hon Haron Rotich, Hon. Cheruiyot Bett and Hon. Paul Bii were found guilty and convicted for contempt of the Court Orders issued on 25<sup>th</sup> November, 2024. The quartet were invited to make submissions in mitigation to guide this court on the appropriate sentence to be meted out.
2. The Citees through their Advocate filed written submissions in mitigation. This Court has considered both the written and the oral submissions in mitigation.
3. Mr. Kibet Kirui, Learned Advocate for the Citees pointed out that the sentencing in contempt of Court Proceedings is a discretionary power that is exercised judiciously depending on the



circumstances of each case. He cited the case of Bernard Kimani Gacheru -vs- Republic (2002) eKLR in which the court held inter alia as follows:-

“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.”

4. The other case which was also cited is the case of Yatani -vs- Raso (2024) KEHC.3513 (KLR) in which it was held inter alia as follows:-

“There is no prescribed punishment for contempt of court, save that judicial discretion is donated to the High Court by dint of Section 5 of the *Judicature Act*..... The lacuna resulted from the fact that The *Contempt of court Act* which provided for the mode of punishment for Contempt was declared unconstitutional in Kenya Human rights Commission -vs- A.G. and Another (2018)eKLR. Therefore, presently, the punishment remains in the realm of judicial discretion, which however ought to be exercised judicially, cautiously, depending on the circumstances obtaining and hence on a case by case basis.”

5. The 1<sup>st</sup> to the 4<sup>th</sup> Contemnors profusely apologized and stated that they did not deliberately disobey the Court Orders issued on 25<sup>th</sup> November, 2024. They further stated that they are repentant and contrite and vow not to repeat the same.
6. The Contemnors beseeched this Court to bear in mind that they are state officers directly representing the people who elected them. They also stated that any punishment in form of imprisonment would disenfranchise the people they represent.
7. This Court was implored to take into account the fact that no personal service of the orders was effected in this case upon any of the Contemnors to lead to the conclusion that they personally had knowledge of the existence and contents of the orders of the Court.
8. This court was urged to give the contemnors the benefit of doubt.
9. They also pointed out that the orders of the Court were not directed as against the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Contemnors and therefore it would be unfair to punish them for the disobedience of that which was not directed on them.
10. The 1<sup>st</sup> Contemnor who is the current Speaker argued that he is merely a referee in a political environment which sometimes is charged and that he is bound to balance the interests of the 47 MCAs which is a difficult task.
11. The Contemnors aver that they have demonstrated genuine remorse and they now seek for the Court’s mercy and pardon.
12. They submitted that one way of purging contempt is the expression of sincere remorse which the contemnors herein have shown.
13. The Contemnors have further pleaded with the court to appreciate that if they made any errors of Judgment for prioritizing other exigencies, the Court should forgive them and have mercy on them They averred that they hold this Court in high regard and that they are proponents of the rule of law.
14. It is not in dispute that the Court has a wide discretion on the kind of sentence it can mete out for contempt of Court. Some of the sanctions include but not limited to imprisonment or a fine or stern warning.



15. It is also important to point out that the Court retains the residual power to pardon for contempt if the Contemnors exhibit genuine remorse and sincere mistake and poor sense of Judgment.
16. Having considered the submissions in mitigation, this Court has come to the conclusion that the appropriate sentence to mete out in the circumstance of this case should be non-custodial.
17. This Court has taken note of the profound apology offered by the Contemnors. The Court has further taken note of the fact that the contemnors have shown that they did not blatantly and deliberately intend to disobey the Court Orders.
18. The Contemnors have further bound themselves to be proponents of the rule of law by always respecting and obeying Court Orders.
19. It would also appear that the Contemnors are first time offenders and are profusely remorseful. They regret for their poor sense of Judgment.
20. They also personally appeared before this Court in honour of the Court Summons and have submitted themselves under the authority of the Court.
21. This Court finds their apology as an act of contrition.
22. This Court is of the opinion that elected leaders, the Contemnors deserve to be granted an opportunity to continue serving their electorate but a rider that they should be beacons of good example in upholding the dignity of the Court and the rule of law.
23. This Court further finds the Contemnors to be honest and genuine in their plea for a reprieve and therefore deserve the mercy of this court.
24. In exercise of this court inherent power, this Court accepts the Contemnors' apology and give them the benefit of doubt and proceeds to pardon them for contempt but with a stern warning that they should never defy Court Orders. Court Orders should always be obeyed unless set aside.

**DATED, SIGNED AND DELIVERED AT KERICHO THIS 30TH DAY OF APRIL, 2025.**

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**J.K. SERGON**

**JUDGE**

In the Presence of:-

C/Assistant – Rutoh

Kiplangat, Kibet for Citees

Mitey holding brief for Katwa Kigen for Petitioner

