



**Republic v Lokipuna (Criminal Case 3 of 2020)
[2025] KEHC 5311 (KLR) (30 April 2025) (Sentence)**

Neutral citation: [2025] KEHC 5311 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
CRIMINAL CASE 3 OF 2020
RPV WENDOH, J
APRIL 30, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

LABAN LOKIPUNA ACCUSED

SENTENCE

1. Laban Lokipuna was charged with the offence of Murder contrary to section 203 as read with Section 204 of the *Penal Code*. He is alleged to have murdered his wife Arupe Renegetiang on 27/12/2019. After a full trial, the accused was convicted of the said charge. The matter is before this court for sentencing.
2. Section 204 of the *Penal Code* provides that a person convicted of Murder shall be sentenced to death. However, the Supreme Court in the case of Francis Karioko Muruatetu & Another -V- Republic 2015 eKLR , outlawed the mandatory nature of the death penalty. It did not however outlaw the death penalty. This fact was confirmed by the Court of Appeal in Joseph Njuguna Mwaura & 20 others -V- Republic (2013) eKLR and also Ruth Wanjiku Kamanda -V- Republic CRA.102/2018.
3. Where the Court of Appeal upheld the death sentence for murder and so did the Supreme Court in Petition E032/2023.
4. Sentencing is an exercise of the court’s discretion but the court has to be guided by the relevant law. This court is also guided by the Judiciary Sentencing Policy Guidelines. As from the guidelines the court ought to consider the following; -
 - i. Retribution: to punish the offender for his/her criminal conduct in a just manner;
 - ii. Deterrence; to deter the offender from committing a similar offence subsequently as well as to discourage other people from committing similar offences;



- iii. Rehabilitation; to enable the offender reform from his/her criminal disposition and become a law-abiding person;
 - iv. Restorative justice; to address the needs arising from the criminal conduct such as loss and damages;
 - v. Community Protection; to police the community by incapacitating the offender.
 - vi. Denunciation; to communicate the community's condemnation of the criminal conduct.
 - vii. Reconciliation; to mend the relationship between the offender the victim and the community
 - viii. Reintegration; To facilitate the re-entry of the offender into the society.
5. In the Muruatetu case the Supreme court also set out further guidelines to be considered during sentencing which are; -
- 1. Age of the offender;
 - 2. Being a first offender;
 - 3. Whether the offender pleaded guilty;
 - 4. Character and record of the offender;
 - 5. Commission of the offence in response to gender-based violence;
 - 6. Remorsefulness of the offender;
 - 7. The possibility of reform and social re-adaptation of the offender;
 - 8. Any other factor that the court considers relevant.
6. I have considered the accused's mitigation through his advocate. He is a first offender, is remorseful; that he was the sole breadwinner of his family before arrest and prays for leniency.
7. I have considered the pre-sentence report. Whereas the family of the accused speak well of him, it seems the Community had different views of the accused, some describe him as a hot-tempered quarrelsome person and not deserving of a non-custodial sentence.
8. Having considered all the above this court finds that there was no justification for accused's actions, taking away the life of such a young life.
9. The circumstances were aggravated, in that, apart from killing the deceased he attempted to conceal the death by burying her body and planting a banana thereon. He deserves a deterrent sentence and I hereby sentence the accused to twenty-eight (28) years imprisonment. The prison sentence to commence on 24/2/2020 the date he was arraigned before the court for plea.
10. Right of Appeal explained.

DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 30TH DAY OF APRIL 2025

R. WENDOHO.

JUDGE

Sentence delivered in open court in the presence of; -

Prosecution Counsel – Mr. Majale



Ms. Chebet holding brief for Mr. Lowasikou for accused

Accused –present

Juma/Regina - Court Assistants.

