



REPUBLIC OF KENYA



**Republic v Riongatanyi (Criminal Case E004 of 2023)
[2025] KEHC 5270 (KLR) (30 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5270 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
CRIMINAL CASE E004 OF 2023
RPV WENDOH, J
APRIL 30, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

ISAAC RIONGATANYI ACCUSED

RULING

1. The accused Isaac Riongatanyi was charged with the offence of Murder contrary to section 203 as read with section 204 of the [Penal Code](#).
2. The particulars of the charge are that on 25/8/2023 at Asar village in Pokot Central, West Pokot County. Murdered Shatuke Pchakal. However, after a plea bargain, an agreement was reached between the prosecution and accused where the charge was reduced to manslaughter contrary to section 202 as read with section 205 of the [Penal Code](#). The accused pleaded guilty to the lesser charge and was convicted. The matter is now before this court for purposes of sentencing.
3. Under Section 205 of the [Penal Code](#) the prescribed sentence is a maximum of life imprisonment.
4. To determine the appropriate sentence, this court is guided by the Judiciary sentencing Policy Guidelines which give a wide spectrum on what the court should consider when sentencing. They are as follows;-
 - 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. The Supreme Court in *Francis Karioko Muruatetu & others -V- Republic* (2015) eKLR also added its voice and outlined the following guidelines as being applicable when the court is considering the issue of sentencing. They are as follow;-
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. The Accused herein is aged thirty (30) years old. He pleaded guilty to the charge and therefor did not waste the courts time. He was said to be a first offender.
7. In mitigation, Ms. Sugut submitted that the accused is remorseful, that accused was drunk when the offence was committed and he regrets his actions and pleads for leniency. Counsel also submitted that 'Lapai' the Pokot cultural way of compensation for murder had been completed.
8. Article 159(2) recognizes Alternative Dispute Resolution (ADR) including traditional dispute resolution mechanisms and that is why the court takes into account the Pokot's cultural way of dispute resolution i.e., 'Lapai' which will have a bearing on the sentence that the court will mate out.
9. I have considered the pre-sentence report. The Chief of the area where the accused hails from Henry Sambol Chebas confirmed that 'Lapai' had been done. However, in the report, it was observed that the accused would not be readily accepted in the community if released on non-custodial sentence and re-integration would take some time. The victim's relatives who were interviewed acknowledged that 'Lapai' had been done but were still bitter with accused and called for custodial sentence.
10. Having considered all the above and the fact that the appellant has shown remorse by attempting a compensation of the deceased's family (Lapai) the court will still give a deterrent sentence to serve as a warning that taking one's life is a serious offence. I hereby sentence the accused to four (4) years imprisonment. The prison sentence will be effective from 12/9/2023 when he was arraigned in court for plea.
11. After the prison sentence, the accused will serve probation for a period of two (2) years.

Right of Appeal explained.



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

R. WENDOH.

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.

