



REPUBLIC OF KENYA



**Republic v Yeko (Criminal Case E007 of 2023)
[2025] KEHC 5123 (KLR) (30 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5123 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
CRIMINAL CASE E007 OF 2023**

RPV WENDOH, J

APRIL 30, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

ISAACK YEKO ACCUSED

RULING

1. Isaac Yeko was convicted for the offence of murder contrary to section 203 as read with Section 204 of the [Penal Code](#). He murdered his wife on 1/11/2023.
2. The matter is now due for sentencing.
3. Section 204 of the [Penal Code](#) provides that a person convicted of Murder shall be sentenced to death. However, the Supreme court in *Francis Karioko Muruatetu & Another -V- Republic & others* 2015 eKLR outlawed the mandatory nature of the death penalty although it did not outlaw the death sentence.
4. In *Joseph Njuguna Mwaura & 20 others -V- Republic* (2013) eKLR, the Court of Appeal confirmed that the death sentence was not outlawed. The court said “the death penalty shall continue to be imposed in a case of a conviction where the law provides so.”
5. In *Ruth Wanjiku Kamande -V- Republic* CRA 103/2028, the Court of Appeal upheld the death sentence which had been meted by the High Court on the appellant. The Supreme Court did the same in *Pet. E032/2023* filed the same petition.
6. Sentencing is an exercise of the court’s discretion which is guided by the applicable law. In determining the appropriate sentence this court is also guided by the Judiciary sentencing Policy Guidelines. The said guidelines give the court a wide berth that the court ought to consider when sentencing. They are as hereunder.



- 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.
7. The Muruateru case Supra also outlined further guidelines, which are as follows
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.

The accused was treated as a first offender. He is said to be about thirty-four (34) years old. In mitigation, Ms. Sugut submitted that

the accused is remorseful, was the sole breadwinner of his young children; that he has undergone mentorship, catechism and has reformed during his stay in remand. He prays for leniency.

I have also considered the pre-sentence report. Whereas the accused's relatives plead for his release on non-custodial sentence, the victims' parents are still bitter with the grave loss of their daughter and want the accused severely punished.

I have considered the accused's mitigation and the pre-sentence report. There is no justification for accused's actions of taking the wife's life. The accused caused the loss of life of a young adult. The deceased's two children lost the support and love of a mother. It is my view that the accused deserves a deterrent sentence and I hereby sentence him to serve twenty-five (25) years imprisonment. The sentence will take effect from the date he was arraigned in court on 9/11/2023.

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.

