



REPUBLIC OF KENYA



KENYA LAW
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**Lotore v Republic (Criminal Miscellaneous Application
E060 of 2024) [2025] KEHC 7841 (KLR) (30 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 7841 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL MISCELLANEOUS APPLICATION E060 OF 2024**

RN NYAKUNDI, J

MAY 30, 2025

BETWEEN

SAMMY LOTORE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This application is based in the following affidavit seeking review of sentence.
 1. That I am a Kenyan male adult of sound of mind duly competent to swear this affidavit in a court of law
 2. That I am the applicant herein seeking for sentence revision in criminal case no. 18 of 2008 at high court at Eldoret for an offence of Murder contrary to section 204 as read with section 203 of the penal code
 3. That I was sentenced to life imprisonment
 4. That I appeal to the court of appeal and I am ready to withdraw the same so as to pursue this application
 5. That under the constitution of Kenya under article 50 (2) (p) (q) an applicant has a right to benefit from the least severe sentence and have his sentence reviewed
 6. That life sentence contravenes section 216 and 389 of the Criminal Procedure Codes on mitigation and the values of sentencing as in the Sentence Policy Guidelines 2016 paragraph 4;1
 7. That under the provisions of the constitution of Kenya 2010 and practice and procedure rules 2010 this court has power to hear and determine infringements of fundamental rights and award remedies



8. That I swear that all I have deponed herein above is true and correct to the best of my knowledge, information and belief

Analysis And Determination

2. This application is pleaded under section 362 of the *criminal procedure code*. The applicant was tried, found guilty and convicted of the offence of murder contrary to section 203 of the *penal code*. In sentencing the applicant, the learned trial judge impose a sentence of life imprisonment the open avenue for the applicant was to file an appeal to the court of appeal for further considerations of his conviction and sentence.
3. This is the same court though presided over by another session judge which imposed the impugned sentence. The scheme of sentencing revolves around the following principles that;
 - a. Courts are required to approach the imposition of sentence conscious that the legislature has ordained life imprisonment (or the particular prescribed period of imprisonment) as the sentence that should ordinarily and in the absence of weighty justification be imposed for the listed crimes in the specified circumstances.
 - b. Unless there are, and can be seen to be, truly convincing reasons for a different response, the crimes in question are therefore required to elicit a severe standardized and consistent response from the courts
 - c. The specified sentences are not to be departed from lightly and for flimsy reasons. Speculative hypothesis favorable to the offender, undue sympathy, a version to imprisoning first offenders, personal doubts as to the efficacy of the policy underlying the legislation, and marginal differences in personal circumstances or degrees of participation between co-offenders are to be excluded
4. As consequence of above principles this application is res-judicata.
5. Ordered accordingly.

SIGNED, DATE AND DELIVERED AT ELDORET THIS 30TH DAY OF MAY 2025

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R. NYAKUNDI

