



State v Kaptoro (Criminal Case 8 of 2020) [2025] KEHC 11402 (KLR) (31 July 2025) (Sentence)

Neutral citation: [2025] KEHC 11402 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
CRIMINAL CASE 8 OF 2020**

RPV WENDOH, J

JULY 31, 2025

BETWEEN

STATE PROSECUTOR

AND

EDWIN KIPTOO KAPTORO ACCUSED

SENTENCE

1. The Accused Edwin Kiptoo Kaptoro has been convicted of the offence of Murder contrary to section 203 as read with Section 204 of the [Penal Code](#). He murdered his wife on 17/7/2020. The matter is before me for sentence.
2. The Prosecution Counsel did not have the accused’s previous records and he was treated as a first offender. The defence Counsel, Ms. Chebet holding brief for Mr. Lowasikou submitted that the accused is a first offender, is very remorseful because he committed the offence when intoxicated; that his family engaged the deceased’s family in reconciliatory talks – ‘Lapai’ and his property was sold to compensate the deceased’s family; that he has reformed while in remand as he has obtained a diploma in biblical studies; that he has a young family which he needs to care for and pleads for leniency.
3. Sentencing is the exercise of the court’s discretion as guided by the [Constitution](#) of Kenya and the relevant laws. In sentencing this court considers the [Judiciary Sentencing Policy guidelines](#) which the inter alia, retribution, rehabilitation, deterrence, community protection, reconciliation and restorative justice. In the case of [Francis Karioko Muruatetu & Another -V- Republic](#), Pet. 1/2015, the Supreme Court added to list of the guidelines to be considered by a sentencing court, i.e. age of offender, whether offender pleaded guilty, character of offender, whether it was in response to gender-based violence etc.
4. In have considered the fact that the accused was treated as a first offender, he is now remorseful for his actions and prays for leniency because he has undergone biblical studies while in remand and is a reformed person.



5. The court called for a presentence report which confirms that the accused was a man with a young family who are now under the care of his elderly mother and are suffering.
6. Although the report reveals that efforts at reconciliation were commenced with the Accused's family land being sold and proceeds paid to the victim's family, the victim's family are still bitter with the accused and deny that the accused's family has attempted any reconciliation or shown remorse.
7. Although the accused blames his Counsel for not pursuing plea bargain, the same was commenced and abandoned halfway.
8. A young life was lost and the Accused's children lost the love and company of their mother and so did the victim's siblings. The accused cannot hide behind alcohol when he never pleaded intoxication. By his actions, he took away the life of his wife and did not bother to report but instead fled till the burial was over. The deceased met her death due to domestic violence, which is rampant presently and should be discouraged at all costs.
9. Having taken all the mitigation into account, the five (5) years spent in prison and presentence report, I sentence the accused to fifteen years imprisonment. Prison sentence will commence on 11/9/2020 when he was arraigned in court for plea.

DATED, SIGNED AND DELIVERED AT KAPENGURIA THIS 31ST DAY OF JULY, 2025

HON. R. WENDOH

JUDGE

Ruling delivered in presence of; -

Prosecution Counsel – Mr. Majale

Mr. Ndinyo holding brief for Lowasikou

Accused – present

Juma/Hellen- Court Assistants

