

KENYA / JUDGMENT

State v Plimo [2026] KEHC 12030 (KLR)

[2026] KEHC 12030 (KLR)

COURT

High Court

BEFORE

RPV Wendoh

CASE / FILE NUMBER

Criminal Case E014 of 2025

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REPUBLIC OF KENYA IN THE HIGH COURT OF KENYA AT KAPENGURIA. CRIMINAL CASE NO. E014 OF 2025 STATE PROSECUTOR * V E R S U S – ROBERT PLIMO ACCUSED RULING ON SENTENCE Robert Plimo was charged with the offence of Murder contrary to Section 203 as read with Section 204 of the Penal Code. After a full trial, he was found guilty of murdering **Anastacia Lokala**. The matter is now before me for sentence. I must start by saying that sentencing is an exercise of the court's discretion. In doing so, the court is guided by the Constitution, the relevant laws the 2016 Judiciary of Kenya Sentencing Policy Guidelines and the special facts of each case. The Supreme court affirmed the courts discretion in sentencing when it said as follows **Francis Karioko Muruatetu & Another -V- Republic (2017) eKLR**. The court stated “(72) we wish to make it very clear that these guidelines in no way replace judicial discretion. They are advisory and not mandatory. They are geared to promoting consistency and transparency in sentencing hearings. They are also aimed at promoting public understanding of the sentencing process”. Page 15, paragraph 4.1 of the Sentencing Policy Guidelines provides for what the court should consider as follows: -

1. Retribution; to punish the offender for his/her criminal conduct in a just manner;
2. Deterrence; to deter the offender from committing a similar offence subsequently as well as to discourage other people from committing similar offences;
3. Rehabilitation; to enable the offender reform from his/her criminal disposition and become a law-abiding person;
4. Restorative justice; to address the needs arising from the criminal conduct such as loss and damages;
5. Community Protection; to police the community by incapacitating the offender.
6. Denunciation; to communicate the community's condemnation of the criminal conduct.

7. Reconciliation; to mend the relationship between the offender the victim and the community
8. Reintegration; To facilitate the re-entry of the offender into the society. In **Muruatetu's Case** the Supreme Court also set down some mitigating factors that the court may consider while 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. The accused is a man aged thirty (30) years. The prosecution did not have his previous records, hence he was treated as a first offender. Accused's Counsel, Mr. Lowasikou in mitigation, stated that accused is a young man, has an hearing impairment, that he is remorseful and regrets his actions and prays for leniency. This court also called for a presentence report to guide in sentencing. In the report, it was established that though accused was not known to be involved in any criminal activities or abuse of drugs or alcohol, he is hot tempered and tends to be anti-social which may be attributed to his hearing impairment. I have considered all the above factors. The offence committed is very serious. A young mother, aged 28 years, lost her life. She left behind a child aged eight (8) years who must be extremely traumatized because he witnessed the attack on the mother. This court interacted with the photographic evidence that was produced and it is inconceivable that accused could repeatedly hack the deceased so viciously for suspicion of theft of sugar and flour. The attack was brutal and the court cannot relate it to accused's impairment. The family of the deceased has suffered deep loss and love of a mother, wife companionship due to the reckless acts of the accused. Accused needs rehabilitation and the court must send a strong message of deterrence. The accused will therefore be sentenced to serve thirty-five (35) years imprisonment. The prison sentence will be computed from 10/11/2025 when he was arraigned before the court.
Sentence delivered, dated and signed in open court at Kapenguria this 31st day of July, 2026.
R. WENDOH. JUDGE *In the Presence of*:- Accused– present Ms Sugut holding brief for Mr. Lowasikou M/s Koech for State/ Prosecution Counsel Juma/Hellen – Court Assistants.

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