



Case Number:	Criminal Case 12 of 2017
Date Delivered:	29 Sep 2021
Case Class:	Criminal
Court:	High Court at Kabarnet
Case Action:	Sentence
Judge:	Bwonwong'a Justus Momanyi
Citation:	Republic v Christine Boit & 4 others [2021] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Criminal
History Magistrates:	-
County:	Baringo
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-

The information contained in the above segment is not part of the judicial opinion delivered by the Court. The metadata has been prepared by Kenya Law as a guide in understanding the subject of the judicial opinion. Kenya Law makes no warranties as to the comprehensiveness or accuracy of the information.

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KABARNET

CRIMINAL CASE NO. 12 OF 2017

REPUBLIC.....ODPP

VERSUS

CHRISTINE BOIT.....1ST ACCUSED

KIPKEMOI LOMUKUSE.....2ND ACCUSED

VICTOR ARGUT.....3RD ACCUSED

ALFRED BIWOTT.....4TH ACCUSED

KIPKEMOI SERGON.....5TH ACCUSED

SENTENCE

1. I have taken into account that the accused is a 1st offender.
2. I have also taken into account that the accused was in pre-trial custody for eight months, which has to be taken into account in accordance with section 333(2) of the Criminal Procedure Code.
3. I have further taken into account that the accused takes care of her crippled husband who uses a wheel chair and is sickly suffering from arthritis.
4. Furthermore, I have also taken into account the accused has heavy family responsibilities of taken care of her eight children, four of whom are below 5 years.
5. I have not lost sight that a life of a 20 year old deceased has been lost. Additionally, I have taken into account that the deceased suffering assault wounds in the head, that caused his death.
6. The deceased although a habitual thief should have been arrested and charged in court.
7. After taking into account all the mitigating and the aggravating circumstance, I find that it is in the interests of justice that the accused should be sentenced to a non-custodial sentence.
8. In the premises, I sentence the accused to a conditional discharge under section 35 of the Penal Code for one year on condition that she commits no other offence.
9. If she so commits another offence she will be brought back for re-sentencing for this offence of manslaughter.

SENTENCE DATED, SIGNED AND DELIVERED IN OPEN COURT AT KABARNET THIS 29TH DAY OF SEPTEMBER 2021.

J M BWONWONG'A, J

29/9/21

In the presence:

Mr. Kemboi, Court Assistant.

Mr. Mongare for the Republic.

Mr. Kipkulei holding brief for Mr. Kemboi for the accused.



While the design, structure and metadata of the Case Search database are licensed by [Kenya Law](#) under a [Creative Commons Attribution-ShareAlike 4.0 International](#), the texts of the judicial opinions contained in it are in the [public domain](#) and are free from any copyright restrictions. Read our [Privacy Policy](#) | [Disclaimer](#)