



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Sipoi (Criminal Case E021 of 2021)
[2024] KEHC 13824 (KLR) (25 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 13824 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAJIADO
CRIMINAL CASE E021 OF 2021
SN MUTUKU, J
SEPTEMBER 25, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

DAUDI THOMAS SIPOI ACCUSED

RULING

1. The accused, Daudi Thomas Sipoi, is facing the charge of manslaughter contrary to section 202 as read with section 205 of the Penal Code. The particulars of the offence are that the accused unlawfully killed Julius Parakuon Ntinai on 1st August 2021 at about 1900 hours at Oletapes Village in Tinga Location, Kajiado West Sub-County in Kajiado County.
2. The accused was initially charged with murder contrary to section 203 as read with section 204 of the Penal Code. The offence was reduced to manslaughter after the Prosecution and the accused entered into a Plea-Bargaining Agreement.
3. On 11th June 2024, the accused pleaded guilty to manslaughter. The facts as presented are that 1st August 2021, the accused attacked the deceased with a spear while the deceased, an Assistant Chief, was riding his motorcycle. The deceased was uncle to the accused. The accused had wanted to sell his cow but his uncle and the family were against that idea. After stabbing the deceased, the accused left the scene with the spear still stuck on the body of the deceased.
4. Joseph Lemayan Parsalal was riding his motorcycle when he came across the injured deceased lying beside his motorcycle crying in pain. He was bleeding and the spear was still stuck in his body. The deceased told Joseph to help him and remove the spear. With help of neighbours, the deceased was taken to Enkitok Nursing Home for treatment. He was given first aid and referred to Ongata Rongai Nairobi Women's Hospital where he was admitted.



5. The deceased died on 4th August 2021 while undergoing treatment. The postmortem examination revealed that he died due to peritonitis due to penetrating trauma. The postmortem report was produced as an exhibit.
6. The accused went into hiding after stabbing the deceased. With the help of his brother Alex Sipoi, police managed to trace and arrest him.
7. The accused admitted facts as presented. This court found him guilty and convicted him on his own plea of guilty. In mitigation the accused told the court through his legal counsel that he is a young man with a young family that he provides for. Court was told that the accused is a first offender and was remorseful for the death of the deceased.
8. Before sentencing the accused, I called for a pre-sentence report from the probation office. The report was filed on 26th June 2024. I have read it and noted the circumstances leading to the death of the deceased. The family of the deceased have not come to terms with his death and the community is aggrieved by his death. He was the Assistant Chief of the area and his death, as the report shows, has had impacted the community negatively. I note, further, that the community is hostile towards the accused and his release may attract attacks on him.
9. This was a senseless killing. An innocent man lost his life because he was against the selling of a cow by the accused to pursue traditional healing. It ought not to have ended in death. The deceased was stabbed with a spear that was left stuck in his body. It was a painful death and the deceased must have suffered a lot for the 4 days he was undergoing treatment before he succumbed to the injuries.
10. In my considered view, a custodial sentence is appropriate. I have considered that he has been in custody since September 2021 when he was presented in court to date, a period of about 3 years. I have factored the period spent in custody while passing this sentence. I hereby sentence the accused to serve 4 years imprisonment.
11. Orders shall issue accordingly.

DATED, SIGNED AND DELIVERED THIS 25TH SEPTEMBER 2024.

S. N. MUTUKU

JUDGE

