



**Republic v Kirui (Criminal Case E006 of 2024)  
[2024] KEHC 14922 (KLR) (28 November 2024) (Order)**

Neutral citation: [2024] KEHC 14922 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
CRIMINAL CASE E006 OF 2024  
JK SERGON, J  
NOVEMBER 28, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**JOYCE CHEPKORIR KIRUI ..... ACCUSED**

**ORDER**

1. Joyce Chepkorir Kirui the Accused herein, pursuant to a plea bargaining agreement was convicted with the offence of manslaughter contrary, 202 as read with section to section 205 of the [Penal Code](#) Cap 63 Laws of Kenya. The particulars of the offence are that, the accused on the 6th day of February, 2024 at around 2030 Hours at Kaplemeywet Village, Kipkoiyan Location in Belgut Sub-County within Kericho County, unlawfully killed Hillary Kipkemoi.
2. Upon convicting the accused person for the aforesaid offence, this court directed the county probation officer to file a pre-sentence report and also invited the accused to make submissions in mitigation to guide the court in determining the appropriate sentence to be meted out.
3. Mr. O. Langat, the Learned Counsel for the Accused, submitted that the accused was deeply remorseful for the events that culminated in the demise of the deceased and that the circumstances under which the offence was committed tend to show that the offence was not premeditated. The Learned Counsel stated that the families of the victim and the accused are in talks for reconciliation and customary cleansing rites. The Learned Counsel stated that the accused is a first offender and therefore urged this court to exercise leniency during sentencing and consider a non-custodial sentence.
4. Mr. Musyoki, the Learned Assistant Director of Public Prosecutions, stated that the accused may be treated as a first offender as he did not have her past criminal records.
5. This court also called for a pre-sentence report. I have considered the pre-sentencing report prepared and filed by the Kericho County – Probation Officer in respect of the accused person. In the aforesaid



report, it is noted that the offender engages in casual jobs mostly tea plucking to earn a living. The family of the offender reported that the offender stopped overindulging in alcohol, embraced positive change and joined a local church. The family of the offender urged this court to exercise leniency during sentencing and consider a non-custodial sentence; they were willing to offer the necessary support and to assist her in the rehabilitation process. The offender does not have past criminal records.

6. On the material day, the deceased assaulted the offender and a scuffle ensued, the offender stabbed the deceased who succumbed to the injuries. The matter was reported to law enforcement officers and the offender was subsequently arrested and charged with the instant offence of murder which was later reduced to manslaughter pursuant to the plea bargaining agreement. The offender is remorseful for the offence and promises to be a law abiding citizen.
7. The social inquiry revealed that the family of the offender approached the family of the deceased for reconciliatory talks and conducted the traditional cleansing rites and there is therefore no animosity between the two families. The family of the deceased is not opposed to a non-custodial sentence.
8. The offender enjoys strong community ties. The local administrator reported that the community members do not hold any grudge against the offender who has been out on bond. The community and the local administrator are not opposed to a non-custodial sentence.
9. Based on the findings of the social inquiry and assessment, the probation officer found that the home environment is suitable for her release on a non-custodial sentence and recommended the offender for placement on a probation order for a period of three years subject to this court's verdict.
10. This court has considered the fact that the accused person was arrested soon after committing the instant offence and was arraigned in court on 26th February, 2024 and remanded in custody. The accused made an application for reasonable bail/bond terms, which application was successful. The Applicant was granted bond of Kshs. 300,000/= with a surety of similar amount. The accused was subsequently released on 12th June, 2024.
11. I have considered the circumstances of the offence, submissions in mitigation and have further considered the contents of the pre-sentence report filed by the county probation officer in respect of the accused person and I am satisfied that appropriate sentence in the circumstances should be non-custodial. Consequently, I hereby sentence the Accused namely: Joyce Chepkorir Kirui to serve on Probation for two (2) years and under the supervision of Kericho County Probation Officer.

**DATED, SIGNED AND DELIVERED AT KERICHO THIS 28TH DAY OF NOVEMBER, 2024.**

.....  
**J. K. SERGON**

**JUDGE**

In the presence of:

Mr. Musyoki – Prosecutor

Mr. Langat – C/Assistant

Accused – Present in Person

O. Langat for the Accused

