



**Republic v Cheruiyot (Criminal Case E054 of 2021)
[2024] KEHC 14913 (KLR) (27 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14913 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E054 OF 2021
HI ONG'UDI, J
NOVEMBER 27, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

HILLARY CHERUIYOT ACCUSED

RULING

Ruling On Sentence

1. Hillary Cheruiyot the accused was initially charged with Murder contrary to section 203 as read with section 204 of the Penal Code. The same was later reduced to Manslaughter contrary to section 202 as read with section 205 of the Penal Code after a plea bargain agreement was reached on 2nd October, 2024. The accused admitted the charge and facts and was convicted.
2. The facts were that the accused and the deceased were in a romantic relationship and were living together. On the 17th October, 2021 at 5pm the accused was heard beating the deceased in their house which had been locked from inside. She was found dead the next morning. She had suffered a head injury due to blunt force trauma to the head.
3. The prosecution counsel Mrs. Okok confirmed that the accused was a first offender.
4. The pre-sentencing report dated 23rd October, 2024 was filed by Salim A. G. a Probation Officer Nakuru. It reveals that the accused is aged 42 years with no criminal record. It is further confirmed that once he is intoxicated he becomes very violent. Relocation for him has been recommended. It was also indicated that the two families were working on reconciliation.
5. M/s Makau for the accused in mitigation submitted that the accused was remorseful for what he did. That he had made peace with the deceased's family. He had been in custody for three (3) years.



6. I have considered the facts of the case, the pre-sentencing report, the mitigation and the accused's acceptance to a plea bargain. The deceased was the accused's second wife and they had not been blessed with any children. Despite the claim of having been drunk the accused has not disclosed what made him cause such fatal injuries on his second wife.
7. The probation officer recommended a non-custodial sentence for the accused. What the accused did was very bad. After the killing he went and dumped the deceased's body at the shamba. This is not something to be taken lightly.
8. After due consideration of all that is on record, I find a non-custodial sentence not to be the best option. The accused is hereby sentenced to serve seven (7) years imprisonment, which will run from 4th November, 2021 when he was first arraigned in court.
9. Orders accordingly

DELIVERED, DATED AND SIGNED THIS 27TH DAY OF NOVEMBER, 2024 IN OPEN COURT AT NAKURU.

H. I. ONG'UDI

JUDGE

