



**Republic v Maze (Criminal Case E018 of 2021)
[2022] KEHC 11122 (KLR) (30 May 2022) (Judgment)**

Neutral citation: [2022] KEHC 11122 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPSABET
CRIMINAL CASE E018 OF 2021**

EKO OGOLA, J

MAY 30, 2022

BETWEEN

REPUBLIC PROSECUTION

AND

ROBERT KIPKOECH MAZE ACCUSED

JUDGMENT

1. The accused person herein Robert Kipkoech Maze was charged with the offence of murder contrary to section 202(1) as read with section 205 of the *Penal Code*. The particulars of the offence are that on 17th October 2017 at Sigoria village, Sigoria sub-county in Nandi County murdered Faith Chepngetich.
2. The charge and the particulars of the offence were read to the accused person in Kiswahili language and he confirmed the facts. He entered into a plea bargain agreement to reduce the charge to manslaughter and pleaded guilty to the charge of manslaughter.
3. The facts giving rise to the prosecution's case are that on 17th October 2017 at around 1900 hours the accused person met the deceased on her way from the river. The accused had a panga in his hand and he used it to cut the deceased on the head and the hand. The deceased died from the injuries sustained. The post mortem report showed the cause of death as haemorrhage due to cut wounds on the skull and the right arm. The report was produced as P-Exhibit 1. The accused admitted these facts to be true.
4. In mitigation, learned counsel for the accused person, Mr. Meli, submitted that the accused is remorseful and a father of two children. He is the sole breadwinner and seeks the leniency of the court. He submitted that the Court should sentence the accused to a custodial sentence of two years.
5. Learned counsel for the state, Mrs. Brenda Oduor, proposed that the court sentence the accused to six years imprisonment. She also noted that the accused was in remand for one year.



6. Having considered the accused persons' acceptance of the facts and the plea agreement, this Court finds that the accused person is guilty of the offence of manslaughter contrary to section 202 as read with section 205 of the Penal Code. The accused is therefore convicted for manslaughter on his own plea of guilty.
7. Despite the prosecution noting that there was a love triangle leading to the death of the deceased, nobody has the right to take another's life. A person convicted of manslaughter may be jailed to a maximum of life in prison.
8. The judiciary sentencing guidelines are silent on the issue of custodial sentences for manslaughter. I take into consideration that the accused used a deadly weapon, for which courts have meted out life imprisonment where it has been used to commit manslaughter. The accused person was in remand for one year which I have taken into account. I therefore jail the accused to a 15 year jail term in prison from the date of arrest.
9. Orders accordingly.

DATED, SIGNED AND DELIVERED THIS 30TH OF MAY 2022.

E. K. OGOLLA

JUDGE

