



**Republic v Rop (Criminal Case E026 of 2021)  
[2025] KEHC 1732 (KLR) (25 February 2025) (Sentence)**

Neutral citation: [2025] KEHC 1732 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BOMET  
CRIMINAL CASE E026 OF 2021  
JK NG'ARNG'AR, J  
FEBRUARY 25, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**ROBERT KIPYEGON ROP ..... ACCUSED**

**SENTENCE**

1. The Accused Robert Kipyegon Rop was charged with the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#). The particulars of the offence were that on 2<sup>nd</sup> November, 2021 at Bingwa Village, in Kiplabotwa Location within Bomet County unlawfully caused the death of Joel Kiprotich Siteney.
2. The Accused persons took plea on 25<sup>th</sup> January, 2022 where he pleaded not guilty to the charge of murder.
3. On 14<sup>th</sup> October, 2024 the Accused informed this court that he wished to plea bargain with the State. The Plea Bargaining Agreement was filed on 17<sup>th</sup> October, 2024 and it indicated that the Accused had agreed to plead guilty to the lesser offence of manslaughter.
4. On 22<sup>nd</sup> January, 2025, this court accepted the Plea Agreement after interviewing the Accused and satisfying itself that he executed the Plea Agreement voluntarily and that he understood his trial rights.
5. On the same day (22<sup>nd</sup> January 2025), the Accused took plea for the offence of manslaughter. The charge and every element thereof was read and explained to him in the Kipsigis language which he understood and he pleaded guilty. The court entered a plea of guilty for the offence of manslaughter.



6. The Facts as read by the Prosecutor and captured in the Plea Agreement are as follows:-

“On the 2<sup>nd</sup> November, 2021, at about 1pm, the deceased was heading home from his shamba. The three accused persons were in an adjacent farm cutting down trees. When the three accused persons saw the deceased, they began to chase after him. The deceased fell while trying to jump over a fence. The three accused persons caught up with him. They quarreled him over a long standing land dispute.

The third accused Robert Kipyegon Rop who was armed with a bow and arrow shot the deceased on his left arm. The second accused Peter Kipngetich Rop hit the deceased on his head and left leg with a nut headed rungu. The deceased raised alarm as he pleaded for his life. The first accused supplied more arrows to the third accused who shot the deceased again on his back. The 2<sup>nd</sup> accused used the nut headed rungu to drive the arrows deeper into the deceased’s body.

Members of the public who were attracted by the commotion rushed to the scene and found the three accused persons at the scene standing over the deceased who was begging for his life. The three accused person threatened to cause harm to whoever helped the deceased. The three accused persons finally fled from the scene. The deceased was rushed to Longisa County Referral Hospital for treatment where he was admitted and succumbed to his injuries on 28<sup>th</sup> November, 2021.

On 05/12/2021, a post mortem performed on the body of the deceased at Longisa County Hospital established the cause of death as cardiac arrest secondary to fat embolism resulting from large bone fractures. Two arrow heads were surgically removed and kept as exhibits.

The three accused persons who had gone into hiding were later arrested arraigned in court and charged with murder which offence has now been commuted to a charge of manslaughter for 3<sup>rd</sup> accused.”

7. The 3<sup>rd</sup> Accused accepted the facts as true and was convicted on his own guilty plea for the offence of manslaughter contrary to section 202 as read with section 205 of the *Penal Code*.

### **Pre-Sentence Report**

8. A pre-sentence probation report dated 17<sup>th</sup> February 2025 was filed following the court’s direction. The report stated that the Accused took responsibility for his actions and regretted his actions. According to the report, the Accused asked this court for leniency and a non-custodial sentence so as enable him resolve the dispute through customary laws and also attend his family matters by bringing back his wife who went back to her parents after the heinous incident leading to his arrest and conviction. He further indicated that the deceased family and their family are very close relatives and the deceased is the son of his aunt.

9. The Presentence report does not recommend a non-custodial sentence.

10. The deceased family after consultation and discussion have no issue if accused is granted a non-custodial sentence so as to enable the two parties resolve the land dispute that has taken over a half a century. They however at the moment do not interact well and tension still continues to exist between the accused and deceased families.



## **Accused's Mitigation**

11. Mitigation by the Accused was made on his behalf by his counsel, Mr. Duncan Kipngetich. Counsel submitted that the Accused is a person with a young family, first offender and should be considered for a non-custodial sentence.

12. Sentencing serves multiple purposes as enumerated in the [Sentencing Policy Guidelines](#) 2023 which outline the objectives of sentencing at paragraph 1.3.1 as follows:-

“Sentences are imposed to meet the following objectives. There will be instances in which the objectives may conflict with each other- in so far as possible, sentences imposed should be geared towards meeting the objectives in totality.

- i. Retribution.
- ii. Deterrence.
- iii. Rehabilitation.
- iv. Restorative justice.
- v. Community Protection.
- vi. Denunciation.
- vii. Reconciliation.
- viii. Reintegration.”

13. The penal section for the offence of manslaughter is contained in section 205 of the [Penal Code](#) which provides:-

“Any person who commits the felony of manslaughter is liable to imprisonment for life.”

14. In the final analysis, having considered the circumstances of the case, the Accused's Mitigation, the Pre-Sentence Report, the Victim Impact Statement, I make the following orders: -

- i. The accused is sentenced to serve 10 years' imprisonment.
- ii. The sentence to run from the date of plea taking being 25<sup>th</sup> January, 2022.
- iii. 14 days right of appeal is granted.

Orders accordingly

**SENTENCE DELIVERED, DATED AND SIGNED AT BOMET THIS 25<sup>TH</sup> DAY OF FEBRUARY, 2025.**

**HON. JULIUS K. NG'ARNG'AR**

**JUDGE**

Sentence delivered in the presence of Mr. Njeru, for the State, No appearance for the Accused and Siele/Susan (Court Assistants).

