



**Republic v Kipsang (Criminal Case E051 of 2021)
[2025] KEHC 1647 (KLR) (20 February 2025) (Sentence)**

Neutral citation: [2025] KEHC 1647 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E051 OF 2021
JK SERGON, J
FEBRUARY 20, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

STEPHEN TOROREI KIPSANG ACCUSED

SENTENCE

1. Stephen Tororei Kipsang the Accused herein, pursuant to a plea bargaining agreement was convicted with the offence of manslaughter contrary to Section 202 as read with section 205 of the [Penal Code](#) Cap 63 Laws of Kenya. The particulars of the offence are that, the accused on the 12th day of June, 2021 at around 1200 Hours at Chilchila Area of Kipkelion West Sub-County within Kericho County, unlawfully killed Hillary Kipkurui Yegon.
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. Malel, the Learned Counsel for the Accused, submitted that the accused is deeply remorseful for the events that culminated in the demise of the deceased who was his nephew. The accused and the deceased were embroiled in a quarrel over a piece of land and that the dispute over the subject parcel had been resolved by clan elders. He submitted that the accused was not in a good state of mind at the time he committed the offence. The Learned Counsel stated that the accused has undergone customary cleansing rites and reconciliation ceremonies. The Learned Counsel stated that the accused has been in custody for more than three (3) years 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 his past criminal records. He further stated that the accused



assaulted the deceased with a kitchen knife while the deceased was resting, there was no provocation on the part of the deceased, therefore, he was strongly opposed to a non custodial sentence.

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 has a fixed abode at Olenguruone Area, where he practices mixed subsistence farming and ekes a living by doing mechanical repairs on boda bodas in the area. The offender enjoys a quality relationship with family members, however, the offender was diagnosed with a psychiatric condition and he is difficult to manage whenever he fails to take the prescribed medication. The offender’s family were concerned about the offender’s safety and therefore opposed to a non custodial sentence. The offender has no criminal record and does not use alcohol and/or abuse any illegal substances.
6. On the material day, the deceased and the offender had a squabble over a debt, the offender while engulfed in anger stabbed the deceased who suffered fatal injuries and succumbed. The offender is remorseful for the offence and promises to be a law abiding citizen and to adhere to the use of the prescribed psychiatric medication to manage his psychiatric condition.
7. The victim is the offender’s nephew, the family is still in shock following the events that culminated in the demise of the deceased and attributed the same to the offender’s psychiatric condition. The family has conducted traditional cleansing rites, reconciliatory talks and have embraced forgiveness, peace and co - existence.
8. The offender has strong ties in the community, however, the community members have been concerned about his mental health which has deteriorated and they assisted in his treatment at different hospitals and facilities. The local administrator revealed that following the commission of the awful incident that led to the demise of the deceased, the offender’s safety would not be guaranteed if he is released into the community.
9. Based on the findings of the social inquiry and assessment, the probation officer found that the offender is unsuitable for a non-custodial sentence.
10. This court has considered that the accused person was arrested on 12th June, 2021 soon after committing the instant offence, he was arraigned in court and remanded. I have perused the record, there is no indication that the accused was released on bail/bond, therefore the accused has been in custody for a period of three (3) years and eight (8) months.
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.
12. I have also taken into account the fact that the Accused was in custody for a period of three (3) years eight (8) months. The period served in custody is therefore discounted. Therefore the Appropriate sentence should be a short custodial sentence.
13. Consequently, the Accused namely: Stephen Tororei Kipsang is sentence to serve 10 years imprisonment.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 20TH DAY OF FEBRUARY, 2025

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J. K. SERGON

JUDGE



In the presence of:

C/Assistant – Rutoh

Prosecutor – Miss Okello

..... for the Accused

Accused – Present in Person

