



**Republic v Koskei (Criminal Case E017 of 2021)
[2025] KEHC 2018 (KLR) (20 February 2025) (Sentence)**

Neutral citation: [2025] KEHC 2018 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BOMET
CRIMINAL CASE E017 OF 2021
JK NG'ARNG'AR, J
FEBRUARY 20, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

GILBERT KOSKEI ACCUSED

SENTENCE

1. The Accused, Gilbert Koskei 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 8th September, 2021 at Chemamul Village, within Township Location, in Bomet Central Sub-County he murdered Kipkirui Arap Chepkwony.
2. The Accused took plea on 23rd September 2021 where he pleaded not guilty to the charge of murder.
3. On 15th July 2024, the Accused informed this court that he wished to plea bargain with the State. The Plea Bargaining Agreement was filed on 12th November 2024 and it indicated that the Accused had agreed to plead guilty to the lesser offence of manslaughter.
4. On 22nd 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 (22nd 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 8th day of September 2021, Sharon Langat’s daughter in-law to the deceased (Kipkemoi Arap Chepkwony) was preparing a meal for the deceased. The accused named



Gilbert Koskei picked a quarrel with the deceased. The quarrel didn't last for long and the accused left the home to unknown place.

Later the deceased took his two grandchildren to the nearby shop where he bought some food stuffs and came back home. The deceased stayed at her daughter in-law till late in the evening.

At around 1900hrs, the accused came back home and started quarrelling his father (deceased). The quarrel ensued to an extend of fighting each other. The deceased was overpowered by the accused prompting the daughter in-law to run for her safety.

The neighbours got the attention of the daughter in-law to the deceased and tried to rescue the situation. PW3 a village elder met the accused who requested for his hand to be stretched which implied that he had also been injured during the fight.

The police were called and scene visited whereby the body of the deceased found lying lifeless in his daughter in-law's house. A jembe and a broken piece of timber were recovered. The cause of the death was established to be due to skull fracture as a result of blunt force injury. The accused was arrested and charged with murder. He was offered to plead guilty to the lesser charge of manslaughter.

The family had informed the state that they have forgiven the accused and have no objection to reduction of the charges. The prosecution and the investigation team accept that:

- i. The accused is the son of the deceased.
- ii. That the quarrel was as a result of land dispute
- iii. That the accused was drunk when they engaged in a fierce fight which resulted to the demise of his father.

7. The 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 12th 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 that he could get an opportunity to make amends to his family.
9. The Probation Officer recommended that the Accused was suitable for community based rehabilitation through Probation for a period of three years.
10. The deceased family after consultation and discussion have no issue if accused is granted a non-custodial sentence. The clan members have also forgiven him and traditional cleansing administered to the accused.

Accused's Mitigation

11. Mitigation by the Accused was made on his behalf by his counsel, Mr. Merebu. 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 and the applicable Law, I make the following orders: -

- i. The accused is sentenced to serve 7 years' imprisonment.
- ii. The sentence to run from the date of plea taking being 23rd September, 2021.
- iii. 14 days right of appeal is granted.

Orders accordingly

SENTENCE DELIVERED, DATED AND SIGNED AT BOMET THIS 20TH DAY OF FEBRUARY, 2025.

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HON. JULIUS K. NG'ARNG'AR

JUDGE

Sentence delivered in the presence of Njeru , for the State, Merebu for the Accused and Siele/Susan (Court Assistant).

