



REPUBLIC OF KENYA



**Republic v Lelei (Criminal Case E005 of 2023)
[2025] KEHC 1944 (KLR) (6 February 2025) (Sentence)**

Neutral citation: [2025] KEHC 1944 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E005 OF 2023**

JK SERGON, J

FEBRUARY 6, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

ERICK KIPGETICH LELEI ACCUSED

SENTENCE

1. Erick Kipngetch Lelei 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 3rd day of May, 2023 at Kedowa Area in Londiani Sub-County within Kericho County, unlawfully killed Sharon Chepkoech Lelei.
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. Towett, the Learned Counsel for the Accused, submitted that the accused was deeply remorseful for the events that culminated in the demise of the deceased. The accused is a widower and therefore the sole breadwinner of several school going children. The Learned Counsel stated that the accused is a first offender 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 past criminal records. The Prosecutor stated that the accused attacked the deceased with a panga and therefore in the circumstances a custodial sentence is the most appropriate.



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 owns half an acre of land and practices small scale mixed farming. The offender and the victim (his wife) lived harmoniously, the offender financed his wife to start a fruit selling business at Chepsion Market which she managed until her demise.
6. On the material day, the offender and the deceased had a domestic squabble, the offender suspected infidelity on the part of the deceased, the squabble escalated to an altercation culminating in the demise of the deceased. The offender maintains that the offence was not premeditated, rather he acted out of anger, he was engulfed in anger as a result of the infidelity on the part of the deceased. The offender is remorseful for the offence and urged this court to exercise leniency during sentencing.
7. The victim is the offender's wife, the brother to the victim revealed that the two clans met and agreed to conduct traditional cleansing rituals and reconciliatory meetings. However, the family of the victim expressed discontentment on how the offender handled the matrimonial wrangles and therefore declined to weigh in on sentencing and urged this court to exercise its discretion.
8. The offender has strong ties in the community. The offender is well known to the local administrator and is said to relate well with the community which has earned him a good reputation among community members who appointed him as a unit manager in the village and a class board member at the local primary school.
9. Based on the findings of the social inquiry and assessment, the probation officer found the offender suitable for a non-custodial sentence and likely to benefit from counselling sessions on anger management. The probation officer therefore recommended the offender for placement on a probation order for a period of three years subject to this court's verdict as a non-custodial sentence would afford him a chance to take care and support his children.
10. This court has considered that the accused person was arrested soon after committing the instant offence, he was arraigned and charged on 18th May, 2023 and remanded. The accused made an application for reasonable bail/bond terms, the accused was granted a bond of Kshs. 300,000/= with a surety of similar amount. I have perused the file, it is not clear whether the accused was subsequently released, therefore, the accused has been in custody for a period of one (1) year 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. Consequently, I hereby sentence the Accused namely: Erick Kipngetch Lelei to serve three (3) years probation under the Supervision of the County Probation Officer, Kericho county

DATED, SIGNED AND DELIVERED AT KERICHO THIS 6TH DAY OF FEBRUARY, 2025.

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J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

P/Counsel – Maundu

Accused – Present

Towett for the Accused

