



**Republic v Sang (Criminal Case E005 of 2020)
[2025] KEHC 3267 (KLR) (19 March 2025) (Judgment)**

Neutral citation: [2025] KEHC 3267 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BOMET
CRIMINAL CASE E005 OF 2020
JK NG'ARNG'AR, J
MARCH 19, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

VICTOR KIPKIRUI SANG ACCUSED

JUDGMENT

1. The Accused Victor Kipkirui Sang 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 14th day of November, 2020 at Mankokwo B village of Besiobei sub location in Kaptebegwet location, Konoin Sub County within Bomet County murdered one Alice Chepkorir Sigilai.
2. The Accused persons took plea on 2nd December, 2020 where he pleaded not guilty to the charge of murder.
3. On 18th October, 2021 the Accused informed this court that he wished to plea bargain with the State. The Plea Bargaining Agreement was filed on 17th October, 2024 and it indicated that the Accused had agreed to plead guilty to the lesser offence of manslaughter.
4. On 7th November, 2024, this court accepted the Plea Agreement after interviewing the Accused and satisfying itself that he executed the Plea Agreement voluntarily.
5. On 20th 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 14th November, 2020 at around 1100hrs at Besiabei village, Kaptebengwet sub location, Konoin Sub County within Bomet county the accused person visited the home of the deceased, Alice Sigilai, where he met PW1, Betty Chepkoech, who is a cousin to the accused and daughter to the deceased at the shop.

The accused person after greeting PW1 asked her where her mother, the deceased was. PW1 informed him, that her mother was in the kitchen next to the shop. The accused was then invited by the deceased to join her and one Esther Chesimet in the house.

The accused person went to the house where he met the deceased and Esther Chesimet. Esther Chesimet then inquired from the accused why he was looking for the deceased. The accused responded that he wanted to have a discussion with her but at his home.

The deceased promised to go to the accused’s home after her breakfast and which she complied and went to the accused house.

At the accused home, the accused was seen stabbing the deceased and the witnesses who present screamed calling for help.

The deceased was rushed to Chebangang healthcentre who later succumbed to her injuries. At the crime scene a broken kitchen knife was collected

The deceased had several stab wounds and upon post mortem being conducted on 17th November, 2020 at Kapkatet sub county hospital, it was established that the deceased had died from Hemorrhage secondary to trauma stabbing.

The accused person surrendered himself to Kaptebengwet police station where he was arrested and was subsequently charged for murder on 25th November, 2020.

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 filed on 17th March, 2025 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 pleads for forgiveness from the Honorable Court and is requesting that he be considered for a non-custodial sentence so as to bring back cordial relationship he had with the victim’s family.

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

10. The deceased family after consultation and discussion are demanding for justice for their mother and are opposed to any lenience extended to the offender. The whole family and the clan are against his release on non-custodial terms. The family and clan were willing to welcome any delegation from the offender’s side so long as they follow due process. They protested and because they have taken about 5 years down the line before sending any word of forgiveness; they are now opposed to any lenience and/or non-custodial sentence. It seems the offender’s ‘clan’ though related seems to have ignored and took for granted the life lost. They therefore stated that nay verdict going against their wish will be strongly opposed. They want justice for their departed loved one.



Accused's Mitigation

11. Mitigation by the Accused was made on his behalf by his counsel, Brandy Kosgei. Counsel submitted that the Accused is remorseful for what he did. He is a sole bread winner he has 2 children. They seek that the accused gets a non-custodial sentence. That accused has been in custody for 5 years and has transformed.

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 2nd December, 2020.
- iii. 14 days right of appeal is granted.

Orders accordingly

SENTENCE DELIVERED, DATED AND SIGNED AT BOMET THIS 19TH DAY OF MARCH, 2025.

.....

HON. JULIUS K. NG'ARNG'AR

JUDGE

Sentence delivered in the presence of Njeru, for the State, Brandy Kosgei for the Accused and Siele/Susan (Court Assistants).

