



**Republic v Koech (Criminal Case E037 of 2020)  
[2025] KEHC 3058 (KLR) (13 March 2025) (Sentence)**

Neutral citation: [2025] KEHC 3058 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL CASE E037 OF 2020  
JM NANG'EA, J  
MARCH 13, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**PATRICK KIPNGETICH KOECH ..... ACCUSED**

**SENTENCE**

1. The accused herein pleaded guilty to the lesser offence of Manslaughter Contrary to Section 205 of the [Penal Code](#) after initially being charged with Murder Contrary to Section 203 as read with Section 204 of the same Code. This was the culmination of plea bargain between the Director of Public Prosecutions and the accused pursuant to the Section 137A of the [Criminal Procedure Code](#).
2. In his mitigation submissions the defence Counsel (Mr Mong'eri) told the court that the convict is 21 years old and a class 8 drop-out. His parents depended on his agricultural activities for their livelihoods. He is said to have been drunk when he caused the death in question. The deceased had also provoked him. Urging the court to consider a non-custodial sentence, Counsel wants her client to be given credit for entering into the plea bargain. The court is also told that the accused has been in remand custody for 5 years which is said to be sufficient punishment for him.
3. The Prosecution Counsel (Ms Sang) replies that although the offender has no previous criminal records and decided to co-operate by agreeing to plea bargain, the court should take into account that a life was lost. According to Counsel, a custodial sentence, albeit a short one is appropriate in the circumstances of the case.
4. I have considered the submissions against the applicable principles of sentencing and the operational Judiciary Sentencing Guidelines. It is noted that the offender is youthful and has no criminal antecedents. It is a mitigating factor that he entered into the Plea Agreement and thus helped reduce costs which is in keeping with public policy.



5. The Probation Officer's pre-sentence report dated 13/2/2025 indicates that the families of the offender and the victim have agreed on reconciliation terms. It is recommended in light of the foregoing that the convict be placed on three (3) years probation for counselling.
6. Having considered the relevant factors, I concur with the prosecution Counsel that a custodial sentence is imperative to better deter the offender. While I appreciate the stated mitigating circumstances, the accused perpetrated a fatal attack against the deceased. That he was drunk is not an acceptable excuse.
7. Doing the best I can, I sentence the offender to (12) twelve years imprisonment to commence from the date of his arrest on 25/11/2020 as per the charge sheet and information presented before the court.

**RULING DELIVERED THIS 13<sup>TH</sup> DAY OF MARCH, 2025 IN THE PRESENCE OF:**

**J. M. NANG'EA, JUDGE.**

The Prosecution Counsel, Ms Sang

Ms Kemunto Advocate for the accused

Accused, present

Court Assistant (Jeniffer)

