



**Chepkemoi v Republic (Miscellaneous Criminal Application
E034 of 2024) [2025] KEHC 6577 (KLR) (21 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6577 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BOMET
MISCELLANEOUS CRIMINAL APPLICATION E034 OF 2024**

JK NG'ARNG'AR, J

MAY 21, 2025

BETWEEN

NICOLINE CHEPKEMOI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Nicoline Chepkemoi has moved this court by way of an application for review/re-sentencing following a conviction and sentence at Sotik Senior Principal Magistrate court.
2. The applicant was charged with the offence of infanticide contrary to section 210 of the penal code.
3. The particulars were that on 27th April, 2024 at [Particulars Withheld] in Sotik sub-county, in the county of Bomet, the applicant being the mother of VK a child aged 6 days old willfully and unlawfully caused the death of the said child by strangling him.
4. The applicant pleaded guilty and was convicted and sentenced to pay a fine of Kshs. 150,000 in default to serve 5 years' imprisonment.
5. The Prosecution was served with this application. Their response is that the matter is left to court to exercise its discretion.

I have considered the offence vis –a- vis the sentence meted out.

6. The trial court opted to award a sentence of a fine and in default to serve a term as provided for under Section 28 of the *Penal Code*. Section 28 (2) of the *Penal Code* provides the scales applicable for fines and the default time frame.
7. It is clear that a fine exceeding 50,000 has a default period of 12 months.



8. In this instant case where the court made or awarded a fine of Kshs. 150,000 the default period was to be 12 months or one year.
9. Consequently, the sentence was passed on 26th November, 2024 and this marks the start period of one year.
10. Accordingly, I will review the sentence to a fine of Kshs. 150,000 and to serve 12 months' imprisonment.
11. The sentence shall run from the period the accused/Applicant was arraigned in court on 6/5/2024.
12. In the end, I do find that the applicant has served the term and do proceed to discharge her. She is set at liberty unless lawfully held.

RULING DELIVERED, DATED AND SIGNED AT BOMET THIS 21ST DAY OF MAY, 2025.

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HON. JULIUS K. NG'ARNG'AR

JUDGE

Ruling delivered in the presence of Mr. Njeru for the State, No appearance for the Applicant and Siele/Susan (Court Assistants).

