



**Republic v Chepkemoi (Criminal Case 41 of 2019)
[2025] KEHC 6183 (KLR) (14 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6183 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE 41 OF 2019
HI ONG'UDI, J
MAY 14, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

DAISY CHEPKEMOI ACCUSED

RULING

1. Daisy Chepkemoi the accused was initially charged with murder contrary to section 203 as read with section 204 of the penal code. When this court delivered its judgment on 26th February, 2025 it convicted her of manslaughter contrary to section 202 as read with section 205 of the penal code.
2. The probation office Nakuru filed a pre-sentence report dated 28th April, 2025 by Ondari Lilian. The detailed report shows that the accused is a mother of six children and five of them are highly dependent. The accused’s husband has since the incident cut ties with her and the children.
3. Mr. Matoke H. for the accused filed written submissions on the accused’s mitigation. Counsel cited the cases of:
 - i. Francis Kairoko Muruatetu and another V Republic, Petition No. 15 of 2015. (Supreme Court)
 - ii. Dahir Hussein V Republic Criminal Appeal No. 1 of 2015, [2015] eKLR and
 - iii. The 2016 Judiciary of Kenya Sentencing Policy Guidelines
4. He urged this court to consider among others that: Accused is a first offender She is barely less than 40 years She is remorseful The circumstances of the case which were that both the accused and deceased were drunk and were making love before the incident. (see Nakuru Criminal Appeal No. 55A of 2017 Aaron Langat V Republic (unreported) Accused is a mother. That she was further recently blessed with a child as she awaited the delivery of this Judgment by this court.



5. Counsel urged this court to sentence the accused to a 5-year sentence with one (1) year being spent in custody. On this he relied on the case of Republic V Oloo & 2 others. (Criminal Case No. E020 of 2021) [2022] KEHC 10093 (KLR) (17th May, 2022) (sentence).
6. I have considered all that has been stated in the Pre-sentence report, mitigation and what actually took place. It is so unfortunate that the accused though married at the time of offence allowed herself to be controlled by alcohol which led her to cheat on her husband.
7. The report herein shows that her husband on seeing what the accused did abandoned her together with the children. She has even got another child who must be less than six (6) months of age. The report further shows the children are now being taken care of by the accused's elderly parents. Considering the fate of these young innocent children it would not be just to send her to prison though she deserves it.
8. This court takes exception to her irresponsible drinking behavior and warns her of the same.
9. In exercise of this court's discretion, I sentence her to three (3) years on probation where she will be counselled accordingly. If she will not comply with the terms and conditions of probation, a report should be made before this court by the Supervising Probation Officer for necessary action.
10. All these terms have been explained to the accused in open court.
11. The surety is discharged and the security deposited to be released to him.
12. Orders accordingly.

DELIVERED VIRTUALLY THIS 14TH DAY OF MAY, 2025, IN OPEN COURT AT NAKURU.

H. I. ONG'UDI

JUDGE

