



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Republic v Rotich (Criminal Case E007 of 2022)
[2025] KEHC 6100 (KLR) (13 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6100 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
CRIMINAL CASE E007 OF 2022
RPV WENDOH, J
MAY 13, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

AMOS ROTICH ACCUSED

RULING

1. Amos Rotich was charged with the offence of Murder contrary to section 203 as read with Section 204 of the [Penal Code](#). He was alleged to have murdered Selina Chepkemoi on 22/7/2021, at Kitale Posho Village in Pokot South Sub -County.
2. The prosecution and defence Counsel entered into plea bargain negotiations which resulted in a plea agreement, and the charge was reduced to one of manslaughter contrary to section 202 as read with section 205 of the [Penal Code](#).
3. By an information dated 7/4/2025, the said charge was read to the accused. He pleaded guilty and was convicted of the charge of manslaughter contrary to section 202 as read with section 205 of the [Penal Code](#).
4. This matter is now before this court for sentencing.
5. The prosecution Counsel submitted that they did not have the accused's previous records and treated the Accused as a first offender.
6. Through his Counsel Mr. Ndinyo, the accused gave his mitigation, that accused is remorseful and regrets acting out of anger; that accused has undergone various Biblical courses while in remand, (Certificates were shown to the court) and that he is a reformed man and pleads for leniency; that the accused is related to the deceased and they had a long standing land dispute and that he will be a law abiding citizen.



7. Sentencing is an exercise of the court's discretion but the court is guided by *the constitution* of Kenya and the relevant law. This court is also guided by the Judiciary sentencing Policy guidelines which are as follows:
- i. Retribution; to punish the offender for his/her criminal conduct in a just manner;
 - ii. Deterrence; to deter the offender from committing a similar offence subsequently as well as to discourage other people from committing similar offences;
 - iii. Rehabilitation; to enable the offender reform from his/her criminal disposition and become a law-abiding person;
 - iv. Restorative justice; to address the needs arising from the criminal conduct such as loss and damages;
 - v. Community Protection; to police the community by incapacitating the offender.
 - vi. Denunciation; to communicate the community's condemnation of the criminal conduct.
 - vii. Reconciliation; to mend the relationship between the offender the victim and the community
 - viii. Reintegration; To facilitate the re-entry of the offender into the society.
8. The Supreme Court of Kenya added its voice to the guidelines in - Francis Karioko Muruatetu & Another -V- Republic Petition 1/2015 where the court set out further guidelines to be considered by the court when sentencing. They are;-
1. Age of the offender;
 2. Being a first offender;
 3. Whether the offender pleaded guilty;
 4. Character and record of the offender;
 5. Commission of the offence in response to gender-based violence;
 6. Remorsefulness of the offender;
 7. The possibility of reform and social re-adaptation of the offender;
 8. Any other factor that the court considers relevant.
9. I have considered that accused pleaded guilty. I have considered the fact that he was treated as a first offender. He is a young person. I have taken into account his mitigation through his Counsel, that he has reformed and has prayed for leniency. I have read the pre-sentence report. Though the accused pleads for non-custodial sentence, the victim's family are still bitter and there still exists a lot of animosity between the two families whose source of conflict is land. I note the circumstances of the offence, that it was well planned and executed by the accused.
10. In a charge of Manslaughter, an accused may be sentenced up to life imprisonment upon conviction. Having taken into consideration all the above that the Accused took the law into his own hands and took away a life, and considered his own over land, a deterrent sentence is preferred. I take into account the time spent in remand. I sentence Accused to fifteen (15) years imprisonment. Sentence will commence on March 2022 when he was arraigned in court for plea.
11. Right of appeal explained



DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 13TH DAY OF MAY, 2025

R. WENDOH.

JUDGE

