



**Republic v Chebii (Criminal Case E019 of 2023)  
[2025] KEHC 5950 (KLR) (8 May 2025) (Sentence)**

Neutral citation: [2025] KEHC 5950 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KABARNET  
CRIMINAL CASE E019 OF 2023**

**RB NGETICH, J**

**MAY 8, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**ABRAHAM KIPRONO CHEBII ..... ACCUSED**

**SENTENCE**

1. The accused ABRAHAM KIPRONO CHEBII 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 the accused on the 5<sup>th</sup> day of August, 2023 at Kuriondonin Village of Kewamoi Location in Baringo Central Sub-County within Baringo County murdered Benard Kiptoo Kipsigen.
2. The accused denied the charge and on 30<sup>th</sup> April 2024 the Prosecution Counsel informed the court that he had received formal request for plea bargain but defence counsel withdrew request for plea bargain and the matter was set down for hearing on 9<sup>th</sup> July 2024.
3. On 23<sup>rd</sup> September 2024, the defence counsel informed the court that the family of deceased and accused were negotiating and on 11<sup>th</sup> February 2025, defence counsel confirmed that the families had reached a settlement. He informed court that 10 cows had been paid to the family of the victim by accused's family. The prosecution counsel confirmed the position.
4. Upon plea agreement being executed by accused, defence counsel and prosecution counsel, the charge of murder was reduced to manslaughter and plea taken on 12<sup>th</sup> March 2023. The accused pleaded guilty to lesser charge of manslaughter contrary to section 202 as read with section 205 of the Penal Code and he was found guilty and convicted accordingly.



## BRIEF FACTS OF THE CASE

5. Facts surrounding this case are that on the 5<sup>th</sup> of August, 2023 at about 1930hrs the deceased person was driving motor vehicle REG NO. KCV 254F belonging to Trans-valley Sacco and on reaching Kuriondonin area, he found a motorcycle of registration number KMDC 962W parked in the road.
6. The deceased alighted and went straight to where the motorcycle had been parked and a quarrel ensued between him and the accused Abraham Kiprono Chebii leading to a fight. Joseph Chebii Katuet who is the father of the accused on seeing his son quarrelling with the deceased, took the motorcycle which had blocked the road and moved it to another feeder road which is adjacent to his homestead. Suddenly Joseph heard people screaming calling for help.
7. The deceased told John Kipkorir Chebon who is a driver at Kenya school of government Baringo branch who was standing a few meters away at the time of the fracas that he had been stabbed in the left side of his chest after which the deceased suddenly fell down writhing in pain.
8. Rodgers Kibiwott Korir, the son of John Kipkorir Chebon heard people screaming calling for help and he immediately ran to ascertain what was happening. On arrival, he found the deceased lying down with his shirt soaked with blood. John Chebon and Rodgers Korir with the help of other people assisted the deceased to board the vehicle belonging to the deceased and rushed him to Baringo county referral hospital where he was pronounced dead on arrival.
9. Police were notified and they visited the scene after a few minutes and later rushed to Baringo County Referral Hospital and confirmed that Benard Kiptoo Kipsigen the deceased herein had died. The police observed that the deceased had a deep stab wound on his left side of chest. The body was processed and taken to the mortuary awaiting postmortem. The following day on 6<sup>th</sup> August 2023 Benjamin Rotich a driver of Matatu operating in between Eldoret to Kabarnet route was handed over a passenger while at Eldoret Matatu stage and he was informed to take him to Kabarnet town where he was being awaited. Later while enroute to Kabarnet, he received a call from a new mobile number and he was informed that the said passenger who was handed over to him had killed someone at Kabarnet town and that he should take him to police station. He drove the Matatu to Kabarnet police station where he handed over the accused to police officers and he was placed in custody.
10. After the accused was arrested, he was escorted to his homestead within Kuriondonin by police officers for search of murder weapon. On arrival, police followed blood stains which led them to the accused parents 'homestead which is adjacent the accused's house where they found Rose Kabon Chebii in her house, the mother of the accused. Police Officer's informed Rose that they were looking for the murder weapon that the accused used to kill the deceased person. Rose entered her house and came out with a pocket knife stained with blood and handed it over to the police. Rose further told the police that she had convinced the accused the previous night of 5<sup>th</sup> August 2023 to hand over the pocket knife to her to avoid injuring other people. After recovery of the murder weapon, the accused was booked vide OB NO.22/06/08/2023.
11. On 7<sup>th</sup> august 2023, the investigating officer filed miscellaneous application at Kabarnet law courts seeking more days in order to complete the investigation and he was granted 10 days. On 8<sup>th</sup> August 2023, the accused was escorted to Baringo County Referral Hospital for mental assessment and the psychiatrist found him mentally stable and fit to stand trial.
12. On 15<sup>th</sup> August 2023, at Baringo County Referral Hospital Mortuary, a Post Mortem exercise was conducted on the body of Benard Kiptoo Kipsigen by Dr. Wangari Wambugu in the presence of a police officer and family representatives. In her findings Dr. Wangari concluded that the deceased's



cause of death was as a result of penetrating chest wound injury due to sharp force trauma following assault.

13. The police file was compiled and the accused charged with the offence of murder now reduced to manslaughter upon request for plea bargain. The prosecution indicated that the accused is a first offender.

## **MITIGATION**

14. The prosecution counsel Mr. Kipkulei mitigated on his behalf. He stated that the convict is a 29 year old man, very industrious person who has no records of criminal activity within the area and due to his hard work, he was able to maintain his young family of his 2 children and a wife being a sole bread winner. That his history of family background is captured in the pre-sentence report; summarily, he says he comes from a humble background and he has asked for forgiveness from the victim's family and because of his remorse, it was accepted. Counsel submitted that the victim's family was compensated with Kshs.500,000/= to assist the deceased's family to proceed with life thereafter.
15. Counsel submitted that the probation officer's report captures that the accused regrets causing the death of the deceased which later on came clear to his mind that he was had mistaken but blames his drunkenness at that time and provocation by the deceased which made him to act out of anger and self defence. Counsel submitted that the convict did not have the mens rea to kill the deceased. That he had not prepared himself to carry the exhibit weapon produced but was carried by the deceased. Counsel stated that they agree with the probation officer that the convict is fit for 3 years non-custodial sentence and pray it be granted.
16. That the convict is now a changed man and since being granted bond, he has lived harmoniously with the other community members and also with the family of the deceased. That he prays for a second chance so that he can go and take care of his family. Counsel stated that the convict is a reformed man who doesn't indulge in alcohol anymore and he now goes to church.

## **RESPONSE BY STATE**

17. The State Counsel Ms. Bartilol confirmed that the accused and victim's family have agreed, she submitted that even though the victim's family were silent on whether accused should be granted non-custodial sentence, a life was lost, children lost a father, the wife was widowed and submitted that the offence is serious and she prayed for custodial sentence of 30 years for reason that the family of victim and accused have negotiated and saved court's time.

## **DETERMINATION**

18. I have considered the fact that accused is a first offender. I also take note of the fact that the accused and victim's family have reconciled and the victim's family compensated with 10 cows. I called for presentence report and note that the victim's family did not give their view on nature of sentence but left it to the discretion of the court. The local administration confirmed that the two families have reconciled and are not opposed to non-custodial sentence.
19. I have considered sentiments of parties interviewed by Probation Officer. Local administration indicated that there is no animosity between the family of the accused and family of the deceased. I have taken into consideration circumstances surrounding the offence. From the facts given by prosecution, the accused attacked the deceased herein without any provocation and inflicted fatal injuries then fled away from the scene. The offence committed is serious and, in my view, the accused deserves deterrent



sentence. However, in view of the fact that the accused saved court's time by admitting to lesser charge of manslaughter, I will impose a lenient custodial sentence. I hereby impose 10 years imprisonment.

20. FINAL ORDERS:-

1. Accused to serve 10 years imprisonment.
2. Sentence to run from the date of arrest.
3. Right of Appeal 14 days.

**Ruling delivered, dated and signed virtually at Kabarnet this 8<sup>th</sup> Day of May 2025.**

.....

**RACHEL NGETICH**

**JUDGE**

In the presence of:

Accused present.

Ms. Kosgei for accused.

No appearance for accused.

Elvis/Momanyi – Court Assistants.

