



**Republic v Kibet (Criminal Case E006 of 2024) [2025] KEHC 7785 (KLR) (3 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 7785 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAPENGURIA**

**CRIMINAL CASE E006 OF 2024**

**RPV WENDOH, J**

**JUNE 3, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**HARUN KIBET ..... ACCUSED**

**RULING**

1. The accused Harun Kibet, was charged with the offence of Murder contrary to section 203 as read with section 204 of the *Penal Code*. The particulars of the charge are that on 11/7/2024 in West Pokot County, unlawfully caused the death of Nickson Simiyu.
2. The prosecution and defence Counsel entered into plea bargain negotiations which resulted in a plea agreement dated 3/4/2025. The charge of Murder was reduced to one of manslaughter contrary to section 202 as read with section 205 of the *Penal Code*.
3. By an information dated 22/4/2025, the substituted charge of manslaughter contrary to section 202 as read with section 205 of the *penal code* was read to the Accused, to which he pleaded guilty. The matter is now before me for sentencing.
4. The prosecution Counsel told the court to treat the accused as a first offender. Through his Counsel Mr. Bororio the court was told that the accused is aged thirty (30) years, a casual labourer at Makutano. He is the sole bread winner of his mother and siblings; that he is remorseful and regrets his actions. He prays for leniency. Sentencing is an exercise of this court's discretion. The court is guided by the *Constitution of Kenya* and the relevant laws on sentencing. 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.
5. The Supreme Court of Kenya in *Francis Karioko Muruatetu & Another v Republic*, Petition 1/2015 gave more guidelines to be considered 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.
6. I have considered the above guidelines I take into account the fact the accused pleaded guilty to the charge, he is aged thirty (30) years hence a young person. I have taken into account his plea for leniency and his family commitments.
7. This court has also read the Pre-sentence report which is generally favourable to him as the Community did not have any negative report on Accused. The report captures the fact that he has undergone pastoral studies while in remand in the last one year which has positively impacted him. However, the accused took the law into his own hands that led to the loss of a life. The family of the deceased lost their kin and his actions calls for deterrence. A charge of Manslaughter attracts a sentence of up to life imprisonment, upon conviction. Having taken all the above consideration, I hereby sentence the accused to serve ten (10) years imprisonment and the sentence will commence on 1/8/2024 when he was arraigned before this court.

**DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 3<sup>RD</sup> DAY OF JUNE, 2025**

**R. WENDOH.**

**JUDGE**

**SENTENCE DELIVERED IN OPEN COURT IN THE PRESENCE OF; -**

Prosecution Counsel – Mr. Suter

Mr. Bororio for accused

Accused – present



Juma/Hellen- Court Assistants.

