



**Republic v Chepkite (Criminal Case E001 of 2025)  
[2025] KEHC 7591 (KLR) (3 June 2025) (Sentence)**

Neutral citation: [2025] KEHC 7591 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAPENGURIA  
CRIMINAL CASE E001 OF 2025  
RPV WENDOH, J  
JUNE 3, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**PAULINE CHEPKITE ..... ACCUSED**

**SENTENCE**

1. Pauline Chepkite Chepkamar was charged with the offence of Murder contrary to section 203 as read with section 204 of the [Penal Code](#).
2. The particulars of the charge were that on 3/1/2025 at Monjorwa Village, Batei location, in Kipkomo sub-county, murdered Johnson Losiwareng.
3. After plea bargain, a plea agreement was reached between the accused and prosecution whereby the charge was reduced to one of manslaughter contrary to section 202 as read with section 205 of the [penal code](#).
4. By an information dated 23/4/2025, the said charge was read to the accused. She pleaded guilty and was convicted for the charge of manslaughter contrary to section 202 as read with section 205 of the [penal code](#).
5. The matter is before me for purposes of sentencing.
6. The prosecution did not have the accused's previous records and treated her as a first offender.
7. Through her counsel Mr. Bororio, it was submitted that the accused is aged thirty-five (35) years old, was a victim of domestic violence, she is remorseful and pleads for leniency because she has six (6) children who are now under the care of the grandmother.



8. Whereas sentencing is an exercise of the court's discretion, the same is guided by the Constitution, the relevant laws and the Judiciary sentencing Policy guidelines. They 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.
9. In the case of Francis Karioko Muruatetu & Another v Republic Petition 1/2015 the Supreme Court of Kenya in added more guidelines as hereunder. 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.
10. The accused pleaded guilty and therefore did not waste the court's time. She is a first offender, she is remorseful and seeks the court's leniency, for reasons that she was a victim of domestic violence, has six (6) young children who are now left with the grandmother and that she has reformed during her stay in remand through the pastoral teaching accorded to her while in remand.
11. I have also read the pre-sentence report where her family, the community and administration were interviewed. She is blamed for engaging in alcohol consumption together with the deceased, that she had uncontrolled temper and that their marital problems were attributed to her unfaithfulness. Though her relatives are willing to have her on non-custodial sentence, it is feared that the deceased's family is still bitter with the loss and the accused's safety cannot be guaranteed.
12. In a charge of manslaughter, upon conviction one may be sentenced up to life imprisonment. In the instant case and taking all the factors in mind, I sentence the accused to seven (7) years imprisonment. The prison sentence will commence on 20/1/2025.
13. Upon completion of the prison sentence, she will serve three (3) years on probation.



Right of appeal fourteen (14) days

**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.

