



**Republic v Chemjor (Criminal Case E013 of 2023)  
[2025] KEHC 10910 (KLR) (24 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 10910 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KABARNET  
CRIMINAL CASE E013 OF 2023  
RB NGETICH, J  
JULY 24, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**SILAS BARCHIBA CHEMJOR ..... ACCUSED**

**SENTENCE**

1. The accused Silas Barchiba Chemjor was charged with the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#). Particulars of the charge: On the 30th day of May 2023 at Matingot village of Kaptich Sub-location in Baringo Central Sub- County within Baringo County, the accused murdered Florence Kibor.
2. By judgment delivered on 30th April 2025, the accused was found guilty and convicted of the lesser offence of manslaughter contrary to section 202 as read with section 205 of the [Penal Code](#).
3. The prosecution informed the court that accused is a 1<sup>st</sup> offender. I called for pre-sentence which was filed as directed.

**Pre-sentence Report**

4. The accused is a 26-year-old father of two, who worked as a boda boda operator. He dropped out of school at class six and later took on manual jobs to fend for his family. He admitted to committing the offence under the influence of alcohol and regretted his actions.
5. The report indicates that although the accused and deceased were in a relationship, he became violent during an argument that escalated while they were drinking. He used a rungu to hit her fatally.
6. The family of the deceased is still grieving and feels justice should be served through a custodial sentence. No reconciliation or compensation has occurred. The probation officer notes that the



accused may benefit from structured rehabilitation but highlights risks if released prematurely due to prevailing community tensions.

### **Mitigation**

7. The defence Counsel Mr.Kipkulei submitted that the accused was remorseful, youthful, and a first offender. That he regrets the events of that night and blamed them on intoxication and emotional distress. He pleaded for leniency and urged the court to impose a non-custodial sentence to allow him to return back to the community to care for his young children and aging parents.

### **Response By The Prosecution**

8. The prosecution opposed the plea for leniency and urged the court to consider a deterrent custodial sentence, arguing that the offence was grave, resulted in loss of life, and had not been followed by reconciliation or restitution.

### **Determination**

9. Section 205 of the [Penal Code](#) provides that a person convicted of manslaughter is liable to imprisonment for life. However, sentencing is discretionary and guided by the circumstances of each case.
10. In this matter, although the accused is a first offender and has shown remorse, aggravating factors include the fatal assault, the use of a weapon, and the lack of reconciliation or compensation. The deceased lost her life following domestic violence and community views expressed in the pre-sentence report indicate that there is still bitterness towards the accused.
11. In my view a custodial sentence will allow the accused to reflect on his conduct, undergo rehabilitation, and promote justice in the eyes of the community.
12. Final Orders
  1. The accused is sentenced to 20 years' imprisonment.
  2. The period spent in remand shall be computed as part of the sentence.
  3. Right of appeal within 14 days.

**RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 24<sup>TH</sup> DAY OF JULY, 2025.**

.....

**RACHEL NGETICH**

**JUDGE**

In the presence of:

Mr. Nganga for State.

Mr. Kipkulei for accused.

Accused present.

CA, Elvis.

