



REPUBLIC OF KENYA



**KENYA LAW**  
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**Republic v Kong'a (Criminal Case E030 of 2023)  
[2025] KEHC 11011 (KLR) (24 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 11011 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL CASE E030 OF 2023**

**JM NANG'EA, J  
JULY 24, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**JACKSON KIPKOECH KONG'A ..... ACCUSED**

**SENTENCE**

1. The above named was on 23<sup>rd</sup> August 2023 arraigned in this court charged with the capital offence of Murder Contrary to Section 203 as read with Section 204 of the *Penal Code*. The particulars of the offence state that on the 8<sup>th</sup> August 2023 at K9 Unit, Dog Section, Nakuru East Sub County, within Nakuru County he murdered Sgt. Christopher Kimeli (hereinafter referred to as “the deceased”).
2. The Convict denied the offence. The court heard the case in full and convicted him as charged on 10<sup>th</sup> June 2025. The matter was thereafter set down for pre-sentence submissions. The Defence Counsel (Mr. Mong'eri) submitted that the offender is a Police Officer, married and has children who are dependent on him. His 91 -year old mother is also said to be reliant on him. It was further pointed out that he has no previous criminal convictions, none having been given by the Prosecution. The court is told that he is very remorseful and requests for a chance to reach out to the deceased's family for reconciliation. Mr. Mong'eri further noted that the Probation Officer's Report gave positive appraisal of the Convict. Counsel urges a non-custodial sentence in the circumstances.
3. The Prosecution Counsel (Mr. Wakasyaka), however, thinks that a non-custodial sentence is not suitable for the Offender. Contrary to Mr. Mong'eri's submission, the Prosecutor states that the Probation Officer's Report shows that the Offender is not remorseful. Counsel calls for a deterrent sentence.
4. Counsel for the deceased's family (Ms Kirui) also offered pre-sentence submissions. She contends that the Offender is not remorseful as per the Probation Officer's Report. He is said to be maintaining his



innocence despite the conviction. Ms Kirui laments that individual views of the deceased's relatives as presented to the Probation Officer are not captured in the report. The court was told that there have, in fact, been no attempt at reconciliation between the two families. Counsel conveys that the deceased's widow and her minor children are very bitter for the loss of their kin. It is observed that the deceased was 43 years old and had prospects of rising through the ranks of the National Police Service.

5. For the reasons given, the deceased's family calls for a life imprisonment sentence for the Convict.
6. Mr Mong'eri offered a rejoinder maintaining that the Probation Officer's report actually records the deceased's family's sentiments. He reiterates his submissions that a non-custodial sentence for his client is warranted.
7. I have considered the submissions. The Offender is said to be 50 years old and a Police Officer at the time of the deceased's murder. It is not shown that he has prior records of criminal conviction.
8. The Probation Officer's Report dated 8<sup>th</sup> July 2025 indicates that the deceased's family prefers a custodial sentence for the Offender. It is stated that the Offender has not reached out to them for reconciliation and the family was unwilling to consider such an offer at the time. Some in the general community where the Convict hails from are, however, not opposed to a custodial sentence according to the Probation Officer.
9. For the stated reasons and/or observations inter alia, the Probation Officer leaves it to the court to determine an appropriate sentence.
10. I have taken into account all relevant factors, aggravating and extenuating, as guided in the famous Supreme Court Case of *Francis Karioko Muruatetu* and the *Judiciary's Sentencing Guidelines* 2023. The offence was committed in very serious circumstances by use of a gun fired at close range. As per the court's Judgement herein, the Offender was provoked by repeated insults from the deceased who was his boss. This is a factor that may be considered in sentencing while appreciating that it does not absolve the Convict of guilt as determined by the court.
11. I find in the circumstances that a custodial sentence is necessary for deterrence. I cannot establish whether or not the Offender is remorseful since it is his right to maintain innocence, having the right to appeal to a higher court.
12. I sentence the Offender to 30 (thirty) years imprisonment for the murder. He has 14 days to appeal the conviction and sentence.

**J. M. NANG'EA, JUDGE.**

Delivered this 24<sup>th</sup> day of July, 2025 in the presence of:

Mr Wakasyaka for the Director of Public Prosecutions.

Ms Esang Advocate for Mr. Mongeri for the Accused/ Convict.

Ms Kirui Advocate for the Deceased's family.

Accused/Convict.

Court Assistant (Jeniffer).

**J.M. NANG'EA, JUDGE.**

