



**Republic v Kiptoo (Criminal Case E020 of 2021)  
[2025] KEHC 10465 (KLR) (17 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 10465 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KABARNET  
CRIMINAL CASE E020 OF 2021  
RB NGETICH, J  
JULY 17, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**CALEB KIPTOO ..... ACCUSED**

**SENTENCE**

1. The accused was charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. Particulars are that on the 22<sup>nd</sup> day of April 2021 at Kator village within Kabarnet Mosop sublocation in Baringo County at around 22.30hrs, the accused murdered Irene Suke.
2. By judgement delivered on the 22<sup>nd</sup> day of May, 2025 this Honourable court found the accused person guilty and convicted him of the offence of manslaughter contrary to section 202 as read with 205 of the Penal Code. The particulars of the charge were that the accused on the 22<sup>nd</sup> day of April, 2021 at Kator village within Kabarnet, Mosop Sub-location in Baringo County at around 20:30hours, murdered Irene Suke.
3. upon conviction, the prosecution informed the court that the accused was a first offender. The court directed that a pre-sentence report to be filed before mitigation, the same is however not on record.

**Presentence Report**

4. From the report, the accused is 33 years old. He sat for KCSE in the year 2013 and scored a mean grade of C-. He repeated form 4 and obtained a mean grade of C+ which enabled him join Mswambweni KMTTC for certificate of health records and information technology and after graduating, he was employed as a clerk at huduma centre and later did internship at Eldama ravine subcounty hospital. He married the victim herein in the year 2016 and were blessed with one child who is now under the



custody of maternal grandmother. The offender has remarried and they have been blessed with a year-old child with the current wife.

5. The victim's cousin and brother were interviewed and they stated that the accused's family and their family have not reconciled and they have not received any compensation from the accused's family. The deceased's brother said they gave the accused's family approached the deceased's family and the deceased's family gave them their requirements but they have not gone back to victim's family. They said the victim's mother is still bitter and emotional over the death of her daughter. They urged this court to impose custodial sentence.
6. The accused admits the charge and says he tried reconciliation but it failed. He states that they facilitated the victim's facility with transport to go to accused's home for reconciliation but the did not go. This is denied by victim's family.
7. The local administrator and village elder attributed the offence to peer pressure and excess use of alcohol. They confirmed that no reconciliation has taken place; that after release of accused on bond, the family went on with their normal life without taking any steps to reconcile with victim's family. They are of the view that without reconciliation, it would be difficult for accused to serve non-custodial sentence and the victim's family will feel justice has not been done to them.

### **Mitigation**

8. On the 19<sup>th</sup> June, 2025 the defence counsel Mr. Kiptoo counsel mitigated on behalf of the accused. He submitted that the accused was a young man aged 33 years at the time of the offence and that the victim was accused's wife and they had a child together and the child is being taken care of by the grandmother. He further submitted that attempts to reconcile the accused and the victim's family were not successful and that he is remorseful and based on the evidence adduced in court, it was self defence after taking alcohol.
9. Counsel submitted that accused's family pray for non-custodial sentence while the victim's family are opposed to non-custodial sentence on ground that they were not compensated. That the accused regrets the offence and he has since stopped taking alcohol. Counsel prayed for a non-custodial and urged this court to take into account the period the accused spent in remand.
10. The prosecution counsel Ms. Kosgei submitted that they are opposed to non-custodial sentence and that accused has not shown remorse towards the family of the victim despite being out on bond. That he continued with his normal life and even remarried after killing his wife. Counsel submitted that the family is in pain on account that there is no reconciliation and no compensation and urged this court to consider imposing life sentence against the accused.

### **Determination**

11. Under section 205 of the [Penal Code](#) a person convicted of Manslaughter is liable to imprisonment for life, however this can be reduced depending on the circumstances of each case.
12. I have considered the mitigation by the accused, the circumstances under which the offence was committed and the fact that the offence was not planned, the fact that the accused is remorseful and a first offender.
13. I however take note of the fact that the accused's family have not reconciled with the victim's family. From sentiments of the local administration, on-custodial sentence would not appropriate in view of the fact that there is no reconciliation or compensation to victim's family to deceased's family. I also take note of the circumstances surrounding the offence; the offence is attributed to excessive use of alcohol



and peer pressure which resulted in premature death of the deceased. The loss of the deceased no doubt has and will continue to impact negatively on the innocent child left behind by the deceased and her close relatives. In the absence of reconciliation and compensation to mitigate the loss of deceased's life, I am of the view that custodial sentence will be appropriate in the circumstance as it will give a chance to accused to reflect on his action and reform before being reintegrated back to the society. In view of the above, I am inclined to sentence the accused to 10 years imprisonment

14. Final Orders: -

1. Accused to serve 10 years imprisonment.
2. Period served by accused in remand to be computed in the sentence herein
3. Right of appeal 14 days.

**RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT ELDAMA RAVINE HIGH COURT (SUB-REGISTRY) THIS 17<sup>TH</sup> DAY OF JULY, 2025.**

.....

**RACHEL NGETICH**

**JUDGE**

In the presence of:

CA Elvis.

Ms. Omari for state.

Mr. Kipkulei for Accused.

Accused present.

