



**Republic v EKR (Criminal Case E007 of 2023)
[2025] KEHC 12907 (KLR) (18 September 2025) (Sentence)**

Neutral citation: [2025] KEHC 12907 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E007 OF 2023
JK SERGON, J
SEPTEMBER 18, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

EKR ACCUSED

SENTENCE

1. EKR the Accused herein, pursuant to a plea bargaining agreement was convicted with the offence of manslaughter contrary to section 202 as read with section 205 of the Penal Code Cap 63 Laws of Kenya. The particulars of the offence are that, the accused on the 23rd day of May, 2023 at Chebetet Village in Soin/Sigowet Sub County within Kericho County, unlawfully killed EB.
2. Upon convicting the accused person for the aforesaid offence, this court directed the county probation officer to file a pre-sentence report and also invited the accused to make submissions in mitigation to guide the court in determining the appropriate sentence to be meted out.
3. Mr. Malel, the Learned Counsel for the Accused, submitted that the accused was deeply remorseful for the events that culminated in the demise of his mother. He submitted that the offence was not premeditated. He further submitted that the accused has a history of mental illness. The Learned Counsel submitted that the accused is a first offender and therefore urged this court to exercise leniency during sentencing and consider a non-custodial sentence which would afford the accused the opportunity to provide for his family as he was the sole breadwinner.
4. M/s Maundu, the Learned Assistant Director of Public Prosecutions, stated that the accused had not displayed any remorse and therefore in the circumstances a severe and deterrent sentence was appropriate.
5. This court also called for a pre-sentence report. I have considered the pre-sentencing report prepared and filed by the Kericho County – Probation Officer in respect of the accused person.



6. In the aforesaid report, it is noted that the offender is suspected to keep the company of antisocial peers and to abuse illegal substances and alcohol.
7. On the material day, it is reported that the offender assaulted his mother, he occasioned her fatal injuries that culminated in her demise. The offender confessed that he had planned to harm his father who escaped and he therefore turned his anger to his mother.
8. The offender did not express any remorse for the offence. He openly expressed bitterness towards his family.
9. The family of the offender are bitter and angry towards the offender and were therefore opposed to a non-custodial sentence.
10. The community members were bitter with the offender for the awful actions that resulted in the demise of his mother. The community and local administration deemed the offender to be of questionable character bound to recidivate in the event he is released on a non-custodial sentence.
11. Based on the findings of the social inquiry and assessment, the probation officer found the offender unsuitable to benefit from a non-custodial sentence.
12. This court has considered that the accused person was arrested soon after committing the instant offence, he was arraigned in court, he was found mentally unfit to take plea. On 9th July, 2024 having been found fit to stand trial, he took plea and was subsequently remanded. The accused made an application for reasonable bail/bond terms, the accused was granted a bond of Kshs. 200,000/= with a surety of similar amount, however, there is no indication that the offender was subsequently released, the offender has therefore been in custody for two years and four months.
13. I have considered the circumstances of the offence, submissions in mitigation and have further considered the contents of the pre-sentence report filed by the county probation officer in respect of the accused person. Consequently, I hereby sentence the Accused namely; EKR to serve ten (10) years imprisonment.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 18TH DAY OF SEPTEMBER, 2025

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J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Prosecutor – Ogutu

Accused – Present in Person

J. K. Mitey holding brief for Malel for the Accused

