



**Republic v Ruto (Criminal Case E003 of 2024)  
[2025] KEHC 12952 (KLR) (18 September 2025) (Sentence)**

Neutral citation: [2025] KEHC 12952 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
CRIMINAL CASE E003 OF 2024  
JK SERGON, J  
SEPTEMBER 18, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**SAMUEL KIPTOO RUTO ..... ACCUSED**

**SENTENCE**

1. Samuel Kiptoo Ruto the Accused herein, pursuant to a plea bargaining agreement was convicted with the offence of manslaughter contrary to section 202 as read with section section 205 of the Penal Code Cap 63 Laws of Kenya. The particulars of the offence are that, the accused on the 30th day of January, 2024 at Lesirwo Location in Kipkelion Sub County within Kericho County, unlawfully killed Darius Too.
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. Munga, the Learned Counsel for the Accused, submitted that the accused was deeply remorseful for the events that culminated in the demise of his biological son. He submitted that the accused is aged seventy two (72) years with a large family consisting of eleven (11) children. He further submitted that the accused is artisan and the sole breadwinner. He submitted that the accused and the deceased were embroiled in a bitter feud over family land. The Learned Counsel stated that the traditional cleansing rites were done and the family members are willing to reconcile and forgive the accused, he produced minutes recorded pursuant to the family meeting held on 30th March, 2025. The Learned Counsel maintained that the offence was not premeditated and the accused had acted in self defence. 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.



4. M/s Maundu, the Learned Assistant Director of Public Prosecutions, stated that on the material day, the accused had the opportunity to cool down but opted to assault the deceased with a wooden stick culminating in his demise and therefore in the circumstances a custodial 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 enjoys a cordial relationship with his family members and neighbours, however, following the occurrence of the offence, the relationship with some of the children was severed. The offender who was out on bond managed to rebuild the relationship with his children.
7. On the material day, it is reported that the offender and the victim had an altercation over family land, the offender overpowered the victim causing injuries that culminated in his demise.
8. The offender was deeply remorseful for the offence and alluded to being inebriated and having acted out of anger on the material day. The offender therefore urged this court to exercise leniency and place him on a non-custodial sentence.
9. The family of the offender urged this court to exercise leniency and faulted the victim who had become unruly in his dealings with family members. The victim was wayward and had taken the wrong trajectory having failed to heed to the advice given by his parents.
10. The offender has strong ties in the community. The offender does not have a history of criminality in the community and/or keep the company of associates with questionable conduct. The local administrator was in favour of a non-custodial sentence, he reported that the offender was out on bond and the community was not hostile towards him.
11. Based on the findings of the social inquiry and assessment, the probation officer noted that the offender is of an advanced age, sickly and requiring medical attention. The probation officer noted that the offender was out on bond without any hostility directed towards him and had managed to mend the relationship with his family. The probation officer found the offender suitable to benefit from a non-custodial sentence and recommended that the offender be placed for a three year probation order.
12. This court has considered that the accused person was arrested soon after committing the instant offence, he was arraigned in court and 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 and was subsequently released on 7th November, 2024, the offender was in custody for a period of nine 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; Samuel Kiptoo Ruto to serve 5 years imprisonment

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

.....

**J. K. SERGON**

**JUDGE**

In the presence of:

C/Assistant – Rutoh



Prosecutor – Ogutu

Accused – Present in Person

