



**Republic v Terer (Criminal Case E006 of 2022)
[2024] KEHC 2452 (KLR) (12 March 2024) (Sentence)**

Neutral citation: [2024] KEHC 2452 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E006 OF 2022
JK SERGON, J
MARCH 12, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

SHARON CHEPCHUMBA TERER ACCUSED

SENTENCE

1. Sharon Chepchumba Terer the Accused herein, pursuant to a plea agreement was charged and 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 on the March 13, 2022 at Kabunechi Village, Kipchorian Location in Kipkelion Sub-County within Kericho County, the accused unlawfully killed Fredrick Bett.
2. Upon convicting the accused 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. Nyadimo the Learned Counsel for the accused submitted in mitigation, he stated that the accused is a young woman with children of tender age. The offender is remorseful and regrets the commission of the offence. He further submitted that the offender’s actions were provoked by infidelity on the part of her husband. He submitted that the offender had been unable to conduct the traditional reconciliation process due to her incarceration. He finally urged the court to exercise leniency and give the offender a non-custodial sentence.
4. Mr. Musyoki the Learned Assistant Director of Public Prosecutions while noting that the accused is a first offender, urged the court to consider that manslaughter is a serious offence and further that the accused had used a fatal weapon; a sharp knife to stab the deceased on the chest cavity, knowing that it would cause grievous harm or death. The Learned Assistant Director of Public Prosecutions was



adamant that the circumstances under which the offence was committed warranted a severe sentence and therefore 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 the aforesaid report it is noted that prior to her arrest, the accused was a vegetable vendor.
6. Prior to the commission of the offence, the offender and the deceased had long standing marital issues which were aggravated by an extra marital affair between the deceased and a neighbour. On the material day, the offender acted in anger thereby picking a kitchen knife in order to confront the two love birds; she found them on their way home from a drinking den. The other woman fled and the offender sharply disagreed with her husband and stabbed him on the chest and left him fighting for his while as she went back home. The deceased succumbed to the injuries and the offender was apprehended and subsequently charged with the instant offence.
7. The offender was remorseful, she pleaded for this Court’s leniency as she has a young family who solely depend on her for upkeep. She blamed her predicament on her temperament and poor conflict resolution mechanisms.
8. The family of the deceased were bitter and against the offender’s release, they demanded that justice be served for their kin. They felt that the heinous act was intentional as the offender went after the deceased while he was at a drinking den and took advantage of his drunken stupor to stab him.
9. The family of the offender stated that they had tried to reach out to the family of the deceased for purposes of reconciliation, however, their efforts were not successful. Nevertheless, they were still willing to pursue reconciliation, if given a chance. They urged the court to exercise leniency during sentencing.
10. The local administration noted that the reconciliation process was ongoing, however, not fully achieved since the deceased’s family had taken a hard stance. The Area Chief was willing to assist in further reconciliation, he was in favour of a non custodial sentence as the home environment was not hostile and the offender has young children in need of care and protection.
11. The county probation officer while taking cognizance of the findings of the social inquiry, gravity of the offence and the fact that the reconciliation was yet to be achieved between the families, did not find the offender suitable for a non custodial sentence, she therefore left the matter to this Court’s discretion.
12. I have taken cognizance of the fact that the accused entered into a plea bargaining agreement and therefore saved the court’s time for trial.
13. I have considered that the accused was arrested and arraigned in court on March 25, 2022, there is no indication that she was admitted to reasonable bail terms, she therefore has been in custody for a period of two (2) years.
14. Having considered the circumstances of the offence, submissions in mitigation and having further considered the pre-sentence report, it is apparent that in the circumstances of this case that a custodial sentence is appropriate.
15. Consequently, I hereby sentence the accused namely: Sharon Chepchumba Terer to serve 6 years imprisonment

DATED, SIGNED AND DELIVERED AT KERICHO THIS 12TH DAY OF MARCH, 2024

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J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Prosecutor – Mr. Musyoki

Convict – Present in Person

Nyadimo for the Accused

