



REPUBLIC OF KENYA



**KENYA LAW**  
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**Republic v Keino (Criminal Case 43 of 2019)  
[2023] KEHC 1210 (KLR) (10 February 2023) (Sentence)**

Neutral citation: [2023] KEHC 1210 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
CRIMINAL CASE 43 OF 2019  
AN ONGERI, J  
FEBRUARY 10, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**JUSTICE KIMUTAI KEINO ..... ACCUSED**

**SENTENCE**

1. The accused person in this case, justice kimutai keino was charged with murder contrary to section 203 as read with section 204 of the [Penal code](#).
2. The charge was reduced to one of manslaughter contrary to section 202 as read with section 205 of the [Penal Code](#) and the accused person pleaded guilty to the lesser charge of manslaughter following a plea bargain agreement and he was convicted on his own plea of guilty.
3. The particulars of the charge were that on December 1, 2019 at about 2100 hrs at Chebetet village in Sigowet/Soin sub-county within Kericho county the accused person unlawfully killed Hellen Chepkorir.
4. The prosecution evidence as given by the Prosecution counsel was as follows:-

On the December 1, 2019 at around 2100 hrs, Hellen chepkorir, the Deceased was inside her house at chebetet Village Kapkochei sub-location in Soin/Sigowet sub-county. The accused person who at the time was married to the deceased then came to the deceased's sister's house and knocked the door. The deceased did not open the door. while the accused was knocking the door, he could hear the deceased talking with someone inside the house. He could hear it to be a male voice. The accused pushed the door. But it was locked from the inside. He then forced himself through the window.



Once inside, the accused person found the deceased with another man. The other man was startled to open the door in order to escape.

When the accused person tried to follow him, the deceased grabbed his (accused's) leg making it difficult to follow the other man. The accused pushed the deceased, who refused to let him go.

The accused then jumped over the table in a bid to follow the other man, but the deceased this time around grabbed him on the waist and held the accused tightly. The accused in turn grabbed the deceased's hands and pushed her where she fell on the seat and hit the table. The accused then left the deceased in the house with their 6 year old boy and went for the other man, but he didn't find him. The accused then went to sleep at his parent's home.

The body of the deceased was discovered the following day by her son who raised an alarm and neighbours came.

The incident was reported at sondu police station by the area chief.

The scene was visited by the police and the body was picked and taken to Sigowet sub county hospital mortuary.

On the December 5, 2019, the accused surrendered himself at forttenan police station. Investigations revealed that the deceased was a girlfriend to the accused person.

Postmortem was done which revealed that the cause of death was cardiorespiratory failure secondary to haemorrhage from blunt head trauma and dislocation at spinal column.

The accused was charged with the offence of murder contrary to section 203 as read with section 204 of the Penal code which has now been reduced to the offence of manslaughter contrary to section 202 as read with section 205 of the Penal Code.

5. In mitigation, the defence counsel said that the accused was remorseful and regrets the commission of the offence.
6. She said the accused person is 39 years old and that the deceased was his wife having cohabited with her for 10 years. they had five children out of whom two were sired by the accused person.
7. The defence counsel also said in mitigation that all the rituals in respect of customary law have been complied with.
8. The defence counsel urged the court to release the accused person on a non-custodial sentence so that he could look after the children who are now being taken care by both the accused person's mother and the deceased's mother.
9. The probation officer filed a social inquiry report detailing the social circumstances of this case.
10. The accused person is the last born in a family of eight siblings all of whom are adults. The accused person and the deceased were cohabiting as husband and wife at the time of the offence.
11. The court has considered the mitigating circumstances in this case especially the fact that the accused person is remorseful for the offence he committed and the fact that he pleaded guilty and has save the court's time for trial.
12. The offence of manslaughter is a very serious one for while the law provides a maximum sentence of life imprisonment.
13. The accused person is sentenced to twenty (20) years imprisonment.



Right of appeal against sentence – 14 days (explained).

**DELIVERED, DATED AND SIGNED AT KERICHO THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2023.**

**A. N. ONGERI**

**JUDGE**

