



**Republic v Chepkwony (Criminal Case E002 of 2022)  
[2023] KEHC 17695 (KLR) (15 May 2023) (Sentence)**

Neutral citation: [2023] KEHC 17695 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
CRIMINAL CASE E002 OF 2022**

**JK SERGON, J  
MAY 15, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**VINCENT KIPNGENO CHEPKWONY ..... ACCUSED**

**SENTENCE**

1. Vincent Kipngeno Chepkwony, the accused Person herein was in the first instance charged with the offence of Murder Contrary to section 203 as read with section 204 of the Penal Code pursuant to the Plea Agreement executed between the accused and the Prosecution dated March 23, 2023, the Accused instead pleaded guilty to the lesser charge of Manslaughter Contrary to section 202 as read with section 205 of the Penal Code.
2. The particulars of the offence are that on April 2, 2017 at Kapsuser Centre in Kapsuser Location in Belgut Sub-County within Kericho County, the accused unlawfully killed Charles Kiplangat Tanui.
3. This court called for a Probation Pre-sentence Report and submissions on mitigation to enable it determine the appropriate sentence.
4. Mr. Musyoki, Learned, Senior Assistant Deputy Director of Public Prosecution urged this court to treat the accused as a first offender since the Prosecution did not possess the past Criminal Record of the accused.
5. Miss Keter, Learned Counsel for the accused submitted that the accused being a first offender should be treated with leniency. The Learned Advocate further stated that the Accused acted in self-defence and had no intention of killing the deceased. It is said that the deceased was found by the accused in the accused house at 3.00 a.m. and a fight ensued when the deceased was unable to explain why he was in the accused’s house in the wee hours of the night.



6. The facts outlined by the Prosecution show that the accused used a walking stick to hit the deceased when he came back to knock the accused's door.
7. Miss Keter further submitted that the accused is the only child of a single mother and that he is married and are blessed with two children who have now been placed under the care of their grandmother who lives in Bomet Town. It is also pointed out that the accused person has been in custody for more than a year. this court was urged to be lenient to the accused.
8. Mr. Musyoki urged this court to take note that the offence of manslaughter is a felony hence this is not a case fit to pronounce a non-custodial sentence.
9. I have further considered the Pre-sentence Report prepared and filed by the Probation Officer. It is stated in the Report that the accused is the only child of a single mother and has a good relationship with the community he comes from. The accused is reported to have told the Probation Officer that he was not in his right mindset when he committed the offence since he had taken alcohol.
10. It is also reported that the deceased's mother approached the victim's family for reconciliation but the reconciliation process is yet to take off. The Local Administration is not averse if the accused is released back to community. The victim's family told the Probation Officer that the offender's family has not approached them for reconciliation and cleansing rituals. The victim's family however expressed their unwillingness to receive back the accused.
11. In the Propation Pre-sentence Report, it is noted that the deceased's Cousins who grew up with the accused are not opposed if the accused is given a non-custodial sentence. The accused is said to be aged 30 years and remorseful for what transpired. The accused beseeched this court to pronounce a non-custodial sentence. The deceased is also said to be the only son of his family.
12. In conclusion, the Probation Officer noted that the families from both sides have not met to talk on reconciliation.
13. Having considered the facts, mitigation and the Probation Report, is apparent that the Accused was arrested on January 29, 2022 and took plea on March 9, 2022 yet the offence was committed on April 2, 2017. The court record shows that the accused was admitted to bail/bond on May 30, 2022. It is therefore clear that the accused spent about 4 months in custody and not a year as suggested by the defence Counsel.
14. It is also apparent that the accused is remorseful and that he is a first offender.
15. I am convinced that the appropriate sentence should be a short custodial sentence. In the end, I sentence the accused Person namely: Vincent Kipngeno Chepkwony to served three (3) years imprisonment.

**DATED, SIGNED AND PRONOUNCED THIS 15<sup>TH</sup> DAY OF MAY, 2023.**

**J.K. SERGON**

**JUDGE**

In the presence of:

C/Assistant – Rutoh

Miss Keter for the Accused

Musyoki for the State

