



**Republic v Chepkwony (Criminal Case 27 of 2016)
[2023] KEHC 3994 (KLR) (4 May 2023) (Sentence)**

Neutral citation: [2023] KEHC 3994 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE 27 OF 2016**

JK SERGON, J

MAY 4, 2023

BETWEEN

REPUBLIC PROSECUTOR

AND

EVANS KIPROTICH CHEPKWONY ACCUSED

SENTENCE

1. The Accused herein namely: Evans Kiprotich Chepkwony was initially charged with offence of Murder contrary to section 203 as read with section 204 of the [Penal Code](#). However, pursuant to a plea agreement executed between the ODPP and the Accused, the Accused Person instead pleaded guilty to the charge of Manslaughter Contrary to section 204 as read with Section 205 of the [Penal Code](#).
2. The particulars of the charge are that on June 20, 2014 at Londiani Trading Centre in Londiani Sub-County within Kericho County, the Accused unlawfully killed Esther Wanjiru Njau.
3. 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 submission in mitigation to guide the Court in determining the appropriate sentence to be meted out.
4. Mr. Musyoki, Learned Assistant Director of Public Prosecutions urged this court to treat the Accused as a first offender since he did not have the Accused's past Criminal Record. He urged this Court to pronounce a deterrent sentence.
5. The accused's advocate urged this court to be lenient to the accused. It is stated that the Accused has commenced the process of reconciliation and that the community is receptive and is willing to accept him back to the community.



6. I have also considered the Pre-sentence Probation Report. In the aforesaid report, it is indicated that the accused is remorseful and regrets committing the offence. It is also indicated that there is no fear of revenge.
7. The Report further indicates that the community conducted traditional reconciliation and cleansing ceremonies while the accused was out on bond. The community has urged this court to place the accused on a non-custodial sentence.
8. Having considered the mitigating factors and the Pre-sentence Report, I find that a non-custodial sentence is appropriate.
9. Consequently, I hereby sentence the Accused namely: Evans Kiprotich Chepkwony to serve Two (2) years Probation under the supervision of the County Probation Officer, Kericho County.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 4TH DAY OF MAY, 2023

.....

J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Musyoki for the State

Accused Person – Present in Person

