



**Republic v Kipchumba (Criminal Case E018 of 2022)  
[2023] KEHC 19508 (KLR) (4 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 19508 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAHURURU  
CRIMINAL CASE E018 OF 2022  
CM KARIUKI, J  
JULY 4, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**FREDRICK KIMAIYO KIPCHUMBA ..... ACCUSED**

**RULING**

1. The Accused has been convicted of manslaughter after a successful plea bargain. He pleaded guilty to the same offense.
2. Subsequently, the court called for a pre-sentence report to enable the court to arrive at an appropriate sentence. There was no previous record of the accused, thus being treated as a first offender.
3. The defense submission is that the accused is a young man; PCR says he is 26.
4. He regrets killing his father. He is repentant and remorseful.
5. Accused is married to one wife and three (3) children, and he is the sole breadwinner.
6. The facts disclose that the quarrel between his mother and father over his late father's lover's provocation made the accused slap the said father's lover, chasing her out of his parent's compound. Thus his father could not stand it but opted to engage his son (Accused) in physical combat (fight). The accused rushed to the kitchen, picked up a knife, and stabbed the victim (his father), severely occasioning fatal wounds.
7. Of course, he had the opportunity to run away from the fight. Still, he opted to inflict injuries on his father without caring about the consequences of the multiple stable wounds he inflicted on him.



8. Thus, the court finds that though he is a first offender, and had engaged in a fight with his father, it was not justified for him to go for a knife and use same to inflict fatal injuries. Physical violence must be subjected to deterrence, and retribution must apply.

9. Thus, the court finds a custodial sentence obtaining in the circumstances and therefore sentencing the accused to six (6) years imprisonment with effect from the date herein.

**DATED, SIGNED, AND DELIVERED AT NYAHURURU ON THIS 4<sup>TH</sup> DAY OF JULY 2023.**

.....

**CHARLES KARIUKI**

**JUDGE**

