



**Republic v Cheruyot (Criminal Case 10 of 2019)  
[2024] KEHC 13053 (KLR) (23 October 2024) (Sentence)**

Neutral citation: [2024] KEHC 13053 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAROK  
CRIMINAL CASE 10 OF 2019  
F GIKONYO, J  
OCTOBER 23, 2024**

**BETWEEN**

**REPUBLIC ..... APPELLANT**

**AND**

**EVANS KIPYEGON CHERUYOT ..... ACCUSED**

**SENTENCE**

**Plea Bargain**

1. The accused was initially charged with murder contrary to section 203 as read with section 204 of the *Penal Code*.
2. But following a successful plea-agreement which was accepted and recorded by the court on 15/5/24, the accused pleaded guilty to a lesser charge of manslaughter-unlawfully causing the death of Sheila Chebet Kones; and was convicted on own plea of guilt.
3. The accused through his defence counsel stated his mitigation.
4. A pre-sentence probation report was filed in court on 3<sup>rd</sup> October, 2024 giving his personal details and other relevant details. He is a young person of 27 years old and a father of one boy. The deceased was a minor. He met her where he was working and moved in with her as lovers. The fact that the deceased was a minor and the accused took her into his house as a lover is a relevant aggravating factor. She had a whole life ahead. But, it was brought to an abrupt end by the thoughtless action of the accused.
5. The views of the victim family are relevant consideration in sentencing. They stated that the family of the offender was not interested in reconciliation.
6. Their desire is that he be sentenced to a term of imprisonment.
7. The report recommends custodial sentence.



8. The manner the offence was committed was also thoughtless of him because, by snatching a maasai sword with the intention of stabbing a person was meant to cause grievous harm or death.
9. The court however, considers the mitigation by Ms. Kudate for the accused that; the accused is a young, remorseful, humble and quiet man, the local administration has a kind word for him and is a first offender.
10. This being a serious offence in which a young and innocent life was lost, custodial sentence is most appropriate. The sentence should be deterrent but also giving him an opportunity to reform and be re-integrated back into society. Accordingly, the accused is sentenced to 10 years imprisonment. The sentence to run from the date he was arraigned in court, to wit, 22.5.2019. Right of appeal 14 days. Orders accordingly.

**DATED, SIGNED, AND DELIVERED AT NAROK THROUGH MICROSOFT TEAMS ONLINE APPLICATION THIS 23<sup>RD</sup> DAY OF OCTOBER, 2024.**

**HON. F. GIKONYO M.**

**JUDGE**

In the Presence of : -

C/A: Otolu

Ms. Kudate for Accused – Present

Ms. Rakama for DPP – Present

