



**Republic v Lepirkine (Criminal Case E006 of 2025)  
[2025] KEMC 80 (KLR) (9 April 2025) (Judgment)**

Neutral citation: [2025] KEMC 80 (KLR)

**REPUBLIC OF KENYA  
IN THE MARALAL LAW COURTS  
CRIMINAL CASE E006 OF 2025  
AT SITATI, SPM  
APRIL 9, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**JOHN LEPIRKINE ..... ACCUSED**

**JUDGMENT**

1. The accused person denied the charge of threatening to kill contrary to section 223(1) of the [Penal Code](#). The particulars were that on 31st December, 2024 at 3am at Poro area of Samburu Central Sub-County of Samburu County without lawful excuse he uttered death threats to his wife Nadupoi Lepirkine saying “I will cut your head and suck your blood” while he was armed with a sword.
2. The accused person represented himself at the trial that was conducted by Prosecution Counsel Moses Ndira.

**The DPP’S Case**

3. PW1 Nadupoi Lepirkine told the court that on 31st December, 2024 at night the accused person who is her husband showed up while intoxicated, armed with a Maasai sword and shouted loudly that he would kill her and drink her blood. Since she was trapped, she dropped to the ground in total submission to appease him and he calmed down. Later, she got a chance to flee the house before she sought refuge at a relative’s home and later reported to the police.
4. In cross-examination, she told the court that his anger was unprovoked and unjustified at her. It emerged that the accused had bad character for stabbing another man and was imprisoned. She said that she fled the home fearing that he would execute his threat as he had done on the other victim earlier.
5. PW2 Lojuku Lenaura a brother to PW1 confirmed that he gave refuge to PW1 overnight when she fled the house of her husband for threatening to cut off her head and drink her blood.



6. PW3 N.L. a daughter of PW1 and the accused told the court that she witnessed her father hurl direct threats of cutting off her mother's head and drink her blood. These threats made the mother to run out of the house to an unknown refuge. Later, the police were alerted.
7. PW4 S/No. 11XXX9 Police Constable Victor Langat testified as the investigating officer. PC Langat stated that the complaint was initially reported to Poro Police Post and transferred to Maralal Police Station where he took up the matter and recorded the witnesses' statements. He re-arrested the accused person who had been placed under arrest by officers from Poro Police Post. He produced the investigation diary as an exhibit. At that stage, the DPP closed their case.
8. The Court ruled that he had a case to answer whereupon the accused person opted for silence.

### **Determination**

9. The offence of threatening to kill is to be found under section 223(1) of the [Penal Code](#):

223. Threats to kill

- (1) Any person who without lawful excuse utters, or directly or indirectly causes any person to receive, a threat, whether in writing or not, to kill any person is guilty of a felony and is liable to imprisonment for ten years."

10. The High Court has held that the utterance of the threat to kill completes the offence:

Kennedy Kigen Leting -v- Republic (2020) KEHC 3620 (KLR) (Murithi J.) held as follows:

14. Although the offence of threatening to kill is committed by uttering, this was a case went beyond mere verbal threat; the appellant verbally threatened to kill the complainant and had further progressed the threat and prepared to commit the threatened act of killing by overt acts of arming himself with a panga and confronting the complainant and even cutting at the door to the bedroom where the complainant had escaped seeking refuge.

11. There is direct evidence that the accused person openly threatened to kill his wife. The death threats were made in the presence of this daughter who attended court as a witness. His silence created no reasonable doubt in the court's mind as the consequence is that he guilty as charged and convicted accordingly under section 215 of the CPC as read with section 179 CPC. Right of appeal is 14 days.

**DATED, READ AND SIGNED AT MARALAL THIS 9TH DAY OF APRIL, 2025**

**HON. T.A. SITATI**

**SENIOR PRINCIPAL MAGISTRATE**

**MARALAL LAW COURTS**

Present

DPP Mwongera

Accused Persons

Lawrence Court Assistant

