



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Kipkazi (Criminal Case E020 of 2023)
[2025] KEHC 15493 (KLR) (29 October 2025) (Sentence)**

Neutral citation: [2025] KEHC 15493 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET
CRIMINAL CASE E020 OF 2023
RB NGETICH, J
OCTOBER 29, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

MICHAEL KIPCHUMBA KIPKAZI ACCUSED

SENTENCE

1. The accused Michael Kipchumba Kipkazi has been charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. The particulars of the charge were that on 13th August 2023 at Chebinyiny location within Marigat subcounty in Baringo county, he murdered Moses Kipngetich Kiprop Village, Kinyach sublocation in Baringo North subcounty within Baringo county, he murdered Wycliff Kemboi Simotwo.
2. The accused denied the charge but later entered into plea bargain with the prosecution and the charge was reduced to manslaughter contrary to section 202 as read with section 205 of the penal code. The lesser charge of manslaughter was read to him on 30th September 2025 where he pleaded guilty and was found guilty and convicted of the charge of manslaughter contrary to section 202 as read with section 205 of the penal code.

Brief Circumstances Of The Case

3. On 13th August 2023 at 5p.m, the deceased was from work with other workmates and at Chemorongion centre, the deceased withdrew money from mpesa and paid each worker 1000/=. On reaching Kasiela junction, the accused and deceased told the others that they were going to Chemorongion centre to complete something. At 9 p.m Edwing Kiplangat and other workmates were sleeping in a house when they heard noise outside of a man saying in Kalenjin language "I am dying". They went outside with a torch and saw the deceased heading to a toilet while holding his stomach. They followed him and they saw him fall down. On checking the deceased, they realized his stomach



was cut and intestines were out. The accused was not there. They looked for help but didn't get quickly and the deceased died before being taken to hospital. They reported to police and the body was taken to Baringo county hospital. On 16.8/2023, the accused surrendered himself to police at Mogotio police station. Postmortem was done on 25/8/2025 and the doctor concluded that the cause of death was penetrating abdominal injury due to sharp force trauma following injury.

Mitigation

4. The defence counsel Mr. Kiptoo counsel mitigated on his behalf. Counsel submitted that the accused is 36 years old and that he allegedly murdered his uncle which he wholesomely regrets. He submitted that the accused has fully rehabilitated since arrest in August 2023 and while in custody, he has embraced Christianity and was baptized last August. Further that, he has obtained 4 certificates geared towards him becoming catholic priest. That he has stopped drinking. He submits that the accused associates himself with the report which is positive. That the victim's family have been compensated and what remains is cleansing of accused; that the local authority is not opposed to non-custodial sentence; they confirm that the deceased's family and accused's family met on 14/5/2025 and from the minutes, they have fully reconciled and victim's family are not opposed to non-custodial sentence. Counsel prayed for non-custodial sentence.

Pre-sentence Report

5. From the report, the accused is 36 years old. He dropped out of school in form 2 citing lack of school fees due to poverty at family level. He is married with 2 children aged 14 and 12. His wife however left with his 2 children. He engaged in casual jobs until 2020 when he started moving around processing sisal and that he convinced the victim herein who was his cousin to join him in the job. On the material day, he was working with the victim in a sisal farm and money was sent to the offender's phone and together with other workers went to Chemorongoin centre to withdraw the money. From the report, after getting the money, the deceased and accused took local brew. Report given by the other workers to probation officer is that altercation arose between the accused and deceased and a fight ensued and, in the process, the deceased sustained a cut by a knife in the stomach.
6. From the report the accused regret the actions leading to death of the deceased. He says he has sought forgiveness from victim's family and they have agreed to forgive him and the accused's family have compensated accused's family and they have agreed to perform cleansing ceremony once accused is released.
7. The victim's family stated that he was not married and had no children and that he used his money to support himself and his elderly mother. The victim's family confirmed that they have reconciled. They say they have fully forgiven the accused and are not opposed to non-custodial sentence. They are ready to accept him back and participate in his reintegration into the society by participating in cleansing ceremony.
8. The local administrators from the victim's and accused's area confirm that they were part of reconciliatory meetings and confirmed that the victim's family have agreed to forgive accused. They stated that it was agreed that the accused's family would give the victim's family 4 cows as compensation.

Determination

9. Under section 205 of the penal code, the penalty for manslaughter is life sentence. Life sentence has however been declared unconstitutional by the court of appeal. The court therefore has discretion to impose a lesser sentence depending on circumstances of each case.



10. From pre-sentence, there is no doubt that the family of victim and accused have reconciled. Compensation has been done and confirmed by minutes of the meeting between the two families. The local administration also confirm reconciliation and what awaits accused is cleansing as required by Tugen culture.
11. The presentence report also confirm that accused took advantage of incarnation to gain skills which will help him, his family and community is released. These are positive steps taken by accused towards rehabilitation.
12. In view of the above and the fact that accused has saved the court's time by pleading guilty to a lesser charge of manslaughter, I am inclined to impose a non-custodial sentence.
13. Final Orders: -
 - a. The accused to serve 3 years' probation sentence.
 - b. Right of appeal 14 days.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 29TH DAY OF OCTOBER, 2025.

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RACHEL NGETICH

JUDGE

In the presence of:-

Ms. Bartilol for State.

Mr. Kiptoo for accused.

CA, Elvis/Momanyi.

