



**Republic v Korir alias Ruru Vincent Kiptoo Koros (Criminal Case 40 of 2023) [2025] KEHC 18057 (KLR) (4 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18057 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDAMA RAVINE  
CRIMINAL CASE 40 OF 2023  
RB NGETICH, J  
DECEMBER 4, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**VICTOR CHERUIYOT KORIR ALIAS RURU VINCENT KIPTOO  
KOROS ..... ACCUSED**

**RULING**

1. The 1<sup>st</sup> accused Victor Cheruiyot Korir and 2<sup>nd</sup> Vincent Kiptoo Koros were jointly charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code.
2. The 1<sup>st</sup> accused entered into plea bargain with the state upon which plea agreement was executed reducing the charge to manslaughter. On 14.10.2025, a lesser charge of manslaughter was read and explained to the 1<sup>st</sup> accused who pleaded guilty and was convicted accordingly. Upon conviction, the prosecution counsel informed court that the 1<sup>st</sup> accused was a first offender. I called for presentence report which was filed on 18<sup>th</sup> November 2025.

**Brief Circumstances of the Case**

3. On 10.6.2018 at around 1100 hours, the OCS Timboroa Police Station received a call from the chief Seguton who informed him that there was a body along Nakuru/Eldoret Railway line. Together with officers from the station, they went to the scene and found a body identified as one for Willy Kibet Tanui Alias Kibisu. The body was removed to Eldama Ravine subcounty Hospital Mortuary awaiting postmortem and investigations. They recoded statements from witnesses who stated that on 9.6.2018 between 9 and 11 p.m. they had harvested cabbage and on transporting the last trip, they heard screams near the railway line and as they advanced towards the railway line, they saw the 1<sup>st</sup> accused herein standing near the deceased who was lying down helplessly and they also saw the 1<sup>st</sup> accused kicking the deceased severally while the deceased remained quiet and did not make any movement. After delivering



cabbage, they passed by where they had seen the deceased and accused but the place was quiet. The 1<sup>st</sup> accused was arrested on 11.6.2018 with the assistance of the area village elder and escorted too Timboroa Police Station. On 19.6.2018, postmortem was done on the body of the deceased where the doctor concluded that he died as a result of head injury from blunt force trauma and also strangulation. Postmortem report was produced as exhibit 1. And reconciliatory minutes produced as exhibit 2.

### **Presentence Report**

4. From the report, the accused is 24 years old. The family of the accused and victim entered into plea agreement as confirmed by minutes dated 21.04. 2025. Despite the reconciliation, the victim's family expresses that they would not be comfortable if the victim returns to the community where he committed the offence and left it to the court to make final determination.
5. The local administrator confirmed that the accused was of good conduct prior to the offence and is not opposed to reintegration back to the community.

### **MITIGATION**

6. The defence counsel Mr.Chepkilot mitigated on behalf of the 1<sup>st</sup> accused. He submitted that the 1<sup>st</sup> accused was aged 17 years at the time of the offence and he is now 24 years old. He submitted that the incident arose out of a drunken quarrel with the deceased and that the 1<sup>st</sup> accused had no intention to commit murder. He submitted that the deceased who was 42 years old harassed the 1<sup>st</sup> accused and his reaction caused fatal injuries to the deceased.

### **Determination**

6. The offence of Murder under Section 204 of the Criminal Procedure Code attracts a penalty of mandatory death sentence but supreme court in the case of Francis Karioko Muruatetu & Another Vs Republic, Katiba Institute & 5 others (Amicus Curia) (Petition 15 & 16 of 2015) [2021] KESC31(KLR)(6 JULY 2021) clarified that the declaration of mandatory nature of death sentence in Muruatetu 1 as unconstitutional, is limited to murder cases only. In view of the above, the court has discretion to impose a lesser sentence depending on circumstances of each case.
7. In considering the appropriate sentence, I have taken into account:
  - a. The nature and gravity of the offence;
  - b. The circumstances under which it was committed;
  - c. The character of the offender;
  - d. The victim's circumstances and impact;
  - e. The time already spent in custody.
8. I take note of the fact that the accused and his family took steps to approach the family of the victim to seek forgiveness and reconciliation was reached as show by minutes dated 21.04.2025 filed in court. The fact that the accused and victim's family reached a plea agreement resulting in the charge being reduced to manslaughter, saved the court's time and demonstrates remorse of part of the accused. I also take note of the fact that he is a first offender. However upon considering sentiment given by the victim's family, I am of the view that it would be appropriate to reintegrate the accused back to the community immediately. I am of the view that a lenient custodial sentence would allow the victim's family time to heal and for the accused to be rehabilitated while in custody so as to prepare him to fully



integrate back to society a reformed person. Custodial sentence will serve as deterrent, retributive and denunciation and find a sentence of 7 years imprisonment appropriate in the circumstance.

9. Final orders:

- a. Accused to serve 5 years imprisonment
- b. Period spent in custody to be computed in the above sentence under Section 333(2) Criminal Procedure Code.
- c. Right of appeal explained.

**DATED, SIGNED AND DELIVERED AT ELDAMA RAVINE THIS 4<sup>TH</sup> DAY OF DECEMBER 2025.**

**HON. R. NGETICH**

**JUDGE**

In the presence of:

Ms.Omari holding brief for Ms. Kosgei for Accused.

Mr. Chepkilot for Accused.

Court Assistant – Karanja.

Accused – Present.

