

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT BOMET**

**CRIMINAL CASE NO. E016 OF 2023**

**REPUBLIC.....**

**.....PROSECUTION**

**VERSUS**

**AMOS CHERUIYOT KIRUI .....ACCUSED**

**JUDGEMENT AND SENTENCE**

1. The Accused, Amos Cheruiyot Kirui was charged with the offence of murder contrary to **section 203 as read with section 204 of the Penal Code**. The particulars of the offence were that on 10<sup>th</sup> July 2023 at Bondeni Village, Sugurmega Location within Bomet County, he murdered Michael Kipkoech.

2. The Accused took plea on 25<sup>th</sup> July 2023 where he pleaded not guilty to the charge of murder.
3. A Plea-Bargaining Agreement was filed on 6<sup>th</sup> November 2025 and it indicated that the Accused had agreed to plead guilty to the lesser offence of manslaughter. This court accepted the Plea Agreement after interviewing the Accused and satisfying itself that he executed the Plea Agreement voluntarily and that he understood his trial rights.
4. On 18<sup>th</sup> November 2025, the Accused took plea for the offence of manslaughter. The charge and every element thereof was read and explained to him in the Kipsigis language which he understood and he pleaded guilty. The court entered a plea of guilty for the offence of manslaughter.
5. The Facts as read by the Prosecutor and captured in the Plea Agreement are as follows: -

**“On the evening of 09/07/2023, both deceased and accused proceeded to a chang’aa den in the home of one Eric Kibet Rono to consume traditional brew**

**namely chang'aa. The two who were well known to each other drank into the night. At about 0300 hours on 10/07/2023, an argument ensued between the Accused and the deceased, when the Accused alleged that he had lost a mobile phone and cash money Kshs 1,800 and he suspected that the deceased was responsible.**

**The Accused then dashed out of the drinking den and came back shortly after while armed with a panga. He proceeded to attack the deceased, cutting him on his head, his hands and legs. He then sped out of the house and disappeared into the darkness. Erick Kibet Rono, the owner of the chang'aa den on witnessing the assault raised an alarm attracting neighbours who rushed to the scene. Together they rushed the deceased to Longisa County Referral Hospital where he was pronounced dead on arrival.**

**Meanwhile, the Accused was arrested that morning in his house where he was found sleeping. The panga was not recovered. On 14/07/23, a post mortem was performed on the body of the deceased at Longisa County Referral Hospital and the cause of death was ascertained as hemorrhagic shock secondary to multiple stab wounds.**

**The Accused was later arraigned in court and charged with murder which offence had now been commuted to a charge of manslaughter.”**

6. The Accused accepted the facts as true and was convicted his on her own guilty plea for the lesser offence of manslaughter contrary to **section 202 as read with section 205 of the Penal Code.**

### **Pre-Sentence Report**

7. A pre-sentence probation report was filed on 24<sup>th</sup> February 2026 and it indicated that the deceased and the Accused were relatives who had quarreled over a mobile phone. The said quarrel led to a fight where the Accused cut the deceased with a panga on the head causing a deep cut and massive bleeding. The deceased succumbed to his injuries.
8. The local community condemned the inhuman act and stated that the Accused had a poor record within the society but were not opposed to him being granted a non-custodial sentence.
9. The report stated that the Accused was under the influence of alcohol at the time of the commission of the offence and regretted his actions. That he asked for forgiveness from the deceased's family and further that he prayed for a non-custodial sentence.

10.The Probation Officer recommended that the Accused was not suitable for community-based rehabilitation. That the families of the deceased and the Accused failed to agree on reconciliation.

**Victim Impact Statement.**

11.The victim's family were aggrieved by his death and condemned the Accused's actions. They stated that they turned down the Accused's plea for forgiveness and recommended that he serve a jail term.

12.Sentencing serves multiple purposes as enumerated in the **Sentencing Policy Guidelines 2023** which outline the objectives of sentencing at paragraph 1.3.1 as follows: -

**Sentences are imposed to meet the following objectives. There will be instances in which the objectives may conflict with each other- in so far as**

**possible, sentences imposed should be geared towards meeting the objectives in totality.**

- i. Retribution.**
- ii. Deterrence.**
- iii. Rehabilitation.**
- iv. Restorative justice.**
- v. Community Protection.**
- vi. Denunciation.**
- vii. Reconciliation.**
- viii. Reintegration.**

13. The penal section for the offence of manslaughter is contained in **section 205 of the Penal Code** which provides: -

**Any person who commits the felony of manslaughter is liable to imprisonment for life.**

14.I have considered the circumstances of the case and the probation report. In this case, a life was lost and the circumstances under which the victim lost his life were avoidable. In my view, the Accused must serve a custodial sentence to deter other like-minded people who want to hide behind the vice of alcoholism. In the end, the Accused is sentenced to serve 7 years imprisonment. The sentence to run from the date of plea on 20<sup>th</sup> July, 2023. 14 days right of appeal.

**Judgement and Sentence delivered, dated and signed at Bomet this 25<sup>th</sup> day of February, 2026.**

.....  
**HON. JULIUS K. NG'ARNG'AR**  
**JUDGE**

**Judgement delivered in the presence of:**

**Siele/Susan (Court Assistants)**

**Ms Ayekha for the State**

**Accused:**

**Kiprop Probation Officer**

ORIGINAL