



**Republic v Cheruiyot (Criminal Case 8 of 2019)
[2026] KEHC 2411 (KLR) (26 February 2026) (Sentence)**

Neutral citation: [2026] KEHC 2411 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BOMET
CRIMINAL CASE 8 OF 2019
JK NG'ARNG'AR, J
FEBRUARY 26, 2026**

BETWEEN

REPUBLIC PROSECUTION

AND

EVANS KIPKURUI CHERUIYOT ACCUSED

SENTENCE

1. The Accused, Evans Kipkurui Cheruiyot 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 the night of 29th March 2019 and 30th March 2019 at Kimenderit Village, Kimenderit Sub-Location, Kapkesosio Location, Chepalungu Sub-County within Bomet County, he murdered Hellan Chelangat Koech.
2. The Accused took plea on 27th April 2022 where he pleaded not guilty to the charge of murder.
3. A Plea-Bargaining Agreement was filed 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 18th November 2025, the Accused took plea for the offence of manslaughter. The charge and every element thereof were read and explained to him in a language he understood and he pleaded guilty. The court entered a plea of guilty for the offence of manslaughter.
5. The facts of the case were read out to the Accused and he 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

6. A pre-sentence probation report was filed on 24th February 2026 and it indicated that the deceased was the Accused's biological mother who was aged 70 years old. That the Accused who was sickly and had a mental illness, disappeared from home. The report further stated that when the deceased found him, the Accused picked up a stick and hit the deceased on the head, an injury which she later succumbed to.
7. The pre-sentence probation report stated that the community condemned the incident and that the Accused had no previous criminal record. The local community were non-committal on the sentence.
8. The Probation Officer recommended that the Accused was suitable for a non-custodial probation sentence of 3 years.

Victim Impact Statement.

9. The victim's family stated that though they underwent psychological torture, they had now healed. That they vouched for the release of the Accused to enable him undergo the traditional cleansing rituals. The family further stated that they would take the Accused for specialized treatment to avoid any future relapse.
10. 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.
11. 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.
 12. I have considered the circumstances of the case, the pre-sentence report and the Prosecution's submissions. It is my finding that this in this case, a life was lost and the circumstances under which the victim lost his life were avoidable.
 13. I have also considered the assertion that the Accused could be suffering from mental illness. Unfortunately, there is no evidence on record to back that assertion. Conversely, there is evidence that



the Accused had been escorted severally for psychiatric evaluation and there are Medical Reports on record which indicated that the Accused was mentally fit to stand trial.

14. Accordingly, the Accused must serve a custodial sentence. In the end, the Accused is sentenced to serve 10 years. The sentence to run from the date of plea taking on 4th April, 2019. Right of appeal 14 days.

JUDGEMENT AND SENTENCE DELIVERED, DATED AND SIGNED AT BOMET THIS 26TH DAY OF FEBRUARY, 2026.

HON. JULIUS K. NG'ARNG'AR

JUDGE

Judgement delivered in the presence of:

Siele/Susan (Court Assistants)

Mr Magoma for the State

Accused:

Kiprop (Probation Officer)

