

**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. E015 OF 2023**

**REPUBLIC.....**

**.....PROSECUTION**

**VERSUS**

**LEONARD KIPNGETICH CHERUIYOT .....**

**ACCUSED**

**JUDGEMENT AND SENTENCE.**

1. The Accused, Leonard Kipngetich 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 10<sup>th</sup> July 2023 at around 2045hrs at Kelengei Village, Makimeny Location, Chepalungu Sib County within Bomet County, he murdered Joseph Oricho.

2. The Accused took plea on 20<sup>th</sup> February 2025 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 a language 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 10<sup>th</sup> July 2023 at around 1900hrs, the Accused’s daughter arrived home and found her brother Leonard Kipngetich Cheruiyot fighting with their father Joseph Oricho. She screamed for help and the neighbours responded quickly. They found the Accused had locked the house from inside. When they managed to open the house, the deceased was found lying on the floor near the door with injuries on the mouth, deep cuts on the head, stab wounds on the chest and all over the body.**

**The village elders managed to arrest the Accused and escorted him to Makimeny Police Station.**

**The body was moved to Longisa Hospital where post mortem was conducted and it was showed that the**

**deceased died from massive hemorrhage shock due to deep anterolateral neck cut with a sharp object.**

**The Accused was charged with murder but had agreed to plead guilty to the charge of manslaughter contrary to section 202 as read with section 205 of the Penal Code.”**

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 Accused and the deceased had disagreed over a hand out that had been given by a Member of Parliament. That on the material day, both the Accused and the deceased were drunk and the Accused hacked the

deceased with a panga, killing him instantly. The report stated that the deceased severed the victim's head.

8. The report stated that the local community condemned the heinous act. That they were aware of the mental status of the Accused and vouched for his treatment in a Mental Hospital.

9. The report stated that the Accused suffered from mental illness and that he seemed not to understand what took place.

10. The Probation Officer stated that the Accused was not suitable for release and declined to recommend a non-custodial sentence.

**Victim Impact Statement.**

11. The Accused's mother stated that she had been psychologically affected by the crime and that she could not guarantee the Accused's safety were he to be released on a

non-custodial sentence. The family and the clan were opposed to his release on a non-custodial sentence.

12.The Prosecution submitted that the Accused had taken a life and had failed to advance any reason as to why he locked his father in the house before slaughtering him.

13.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.**

14. 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.**

15. I have considered the circumstances of the case, the pre-sentence report and the Prosecution's submissions. I have noted that there was a claim that the Accused was mentally ill while committing the offence. However, no evidence has been advanced to back the claim. Conversely, there is a Medical Reports dated 13<sup>th</sup> February 2025 from Kericho

County Referral Hospital which indicated that the Accused was mentally fit to stand trial.

16.I have also noted that the circumstances of the offence were aggravating. In my view, the Accused deserves a harsh and deterrent sentence. In the end, the Accused is sentenced to serve 10 years imprisonment. The sentence to run from the date of plea taking on 20<sup>th</sup> July, 2023. 14 days right of appeal.

**Judgement and Sentence delivered, dated and signed at Bomet this 26<sup>th</sup> 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)**

ORIGINAL