

**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 25 OF 2018**

**REPUBLIC.....**

**.....PROSECUTION**

**VERSUS**

**ROBERT KIPLANGAT KIRUI .....ACCUSED**

**JUDGEMENT AND SENTENCE.**

1. The Accused, Robert Kiplangat 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 30<sup>th</sup> September 2018 at Chepkolon Village in Merigi Location within Bomet County, he murdered Richard Cheruiyot Ngeno.

2. At the conclusion of the trial, this court (Korir J.) found the Accused guilty of the lesser offence of manslaughter contrary to **section 202 as read with section 205 of the Penal Code** and convicted him on 6<sup>th</sup> November 2025.

### **Pre-Sentence Probation Report**

3. The report stated that the Accused deliberately trailed the deceased from Youth Farmers Market after learning that the deceased had made money the sale of onions. That the deceased owed the Accused approximately Kshs 2,000/= and when the Accused demanded he be paid his money, the deceased declined the request and this led to the violent assault of the deceased by the Accused using a wooden log. The deceased succumbed to his injuries.
4. According to the Probation Officer's Report, the community held a strong negative view of the Accused. That the Accused took pride in his actions and boasted to the community while out on bond that he killed someone yet he remained free. The

community opposed his plea for the grant of a non-custodial sentence.

5. The report stated that the Accused had demonstrated little remorse and shifted the blame to the deceased by persistently clinging on his claim of self-defence.
6. The Probation Officer recommended the maximum custodial sentence.

### **Victim Impact Statement**

7. The report stated that the victim's family endured immense pain and suffering following the demise of the deceased. That they were further aggravated by the Accused's boastfulness while out on bond as he used hurtful and demeaning language towards them. The family further stated that the Accused showed a profound lack of respect towards the sanctity of human life. They strongly opposed any form of leniency by this court and urged this court to impose the maximum sentence permitted by the law.

8. In meting out a sentence, this court is guided by the objectives of sentencing as set out in law and various legal texts. The **Sentencing Policy Guidelines 2023** outlines 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.**

9. 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.**

10. I have considered the circumstances of the offence and how the deceased was killed. This court rejected the Accused's assertion that he killed the deceased out of self defence. I have also considered the pre-sentence probation report which is damning. The report stated that the Accused was not remorseful and boasted to the community that he was free yet he had killed the deceased. In my view, the deceased took pride in his actions and did not regret his actions. The Accused's actions when he was out on bail leave a bad taste in the mouth.

11. In the final analysis, it is my finding that the Accused must serve a harsh and deterrent custodial sentence. In the end, the Accused is sentenced to serve 15 years imprisonment. The sentence to start from the date of plea taking on 24<sup>th</sup> October, 2018. 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**