



**Republic v Kemboi (Criminal Case E005 of 2018)  
[2026] KEHC 3579 (KLR) (18 March 2026) (Sentence)**

Neutral citation: [2026] KEHC 3579 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL CASE E005 OF 2018  
SM MOHOCHI, J  
MARCH 18, 2026**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**EZRA KIPKEMOI KEMBOI ..... ACCUSED**

**SENTENCE**

1. Ezra Kipkemoi Kemboi was initially charged, with the offence of Murder contrary to Section 203 as read with Section 204 of the Penal Code; upon a Plea Bargain Agreement being entered the charge was then reduced to manslaughter;
2. The Plea Bargain Agreement dated 29<sup>th</sup> October 2025 was adopted by the court upon it being satisfied that, the accused had understood the contents and that, he had executed it voluntarily, without promise or benefit of any kind and without threats, force, intimidation or coercion;
3. The accused was accused of having unlawfully killed his girlfriend Philis Jepleting, on the diverse dates between the 26<sup>th</sup> and the 31<sup>st</sup> of December 2022 at Naka Estate in Nakuru East Sub-County Nakuru County; and was convicted on his own plea of ‘Guilty’ to the offence of Manslaughter c/s to Section 202 as read with Section 205 of the Penal Code;
4. At the hearing hereof, the accused was at all times represented by Learned Counsel Mr. Allan Kibet Advocate whereas Ms. Mwaura was the Prosecuting Counsel for the State; both counsels were invited to make submissions before sentencing was passed;
5. Prosecuting Counsel for the State submitted that, the offence of manslaughter carries a penalty of up to; life imprisonment and that the court should consider a deterrent imprisonment sentence notwithstanding the attornment and reconciliation undertaken by the families of the accused and the deceased.



6. The Prosecution urges the court to consider that the accused tried to conceal his crime after committing the offence, that this is a case of “femicide” an issue of current national concern warranting a deterrent sentence.
7. That the Plea agreement entered into the prosecution indicates recommending custodial sentence of Ten (10) years imprisonment that the prosecution considers shall serve as sufficient retribution for the offence considering the serious nature of the case the circumstances as per the facts and the fact that the accused had elected to plead guilty thereby saving the much-sought judicial time.
8. The defense advocate Mr. Allan Kibet indicted the accused person election not to offer any mitigation and wholly rely upon the Pre-sentence inquiry report dated 13<sup>th</sup> October 2024 by Ms. Elizabeth Kwamboka Probation Officer Nakuru.
9. That the Pre-sentence report identifies the case as one qualifying for a non-custodial sentence in view of the reconciliation and attornment between the two families of the accused and the deceased involving an exchange of 9 heads of cows amongst other cultural cleansing practices. The probation department has left sentencing to the court’s discretion.
10. This court appreciates the reconciliation efforts by the two families however it duly notes that even after the reconciliation the victim’s family demand for a retributive sentence

### **Analysis**

11. It is the duty of this court to impose a sentence that meets the facts and circumstances of the case; this court has considered the full circumstances of the offence which is contained in the Facts; The deceased was a 23 years old lady, a student at Karatina University and had been in an unofficial romantic relationship with the accused since the year 2018. The decomposing body of the deceased was discovered on the 1<sup>st</sup> of January 2023 in the accused house that had remained locked for the night of the 26<sup>th</sup> December 2022. In the house the body lay on a mattress on the floor and forensic medical investigation reveal the deceased died as a result of strangulation.
12. The Sentencing Policy Guidelines informs sentencing in Kenya to achieve proportionality, Equality, Uniformity, Parity, Consistency, Impartiality, Accountability/Transparency and Inclusiveness.
13. The applicable law on sentence for the offence of manslaughter is found under the provisions of Section 205 of the Penal Code which reads as follows;  
‘Any person who commits the felony of manslaughter is liable to imprisonment for life’
14. The section provides for the maximum sentence, that is life imprisonment; this court has taken into consideration the aggravating circumstances in that the convict a.
15. The mitigating factors taken into consideration by this court are that the accused readily pleaded guilty and thus saved on judicial time; he is without a previous criminal record, also taken into consideration are the convict is a person who was supporting his mother and two other sibling by working as a security guard, the victim was his own girlfriend and he shall for the rest of his life live with this fact, the inter family reconciliation between the convicts family and the victim’s family;
16. By relinquishing his right to mitigate the convict failed to utilize the opportunity to directly and personally seek for his forgiveness and as such what remains in the family reconciliation without the direct participation by the convict.
17. Upon committing the offence, the accused attempted to flee from justice and whilst in the same he proceeded to attempt suicide by consuming poison.



18. I am unable to trace any remorse by the accused for his action of strangling his girlfriend to death on allegations of cheating on him with another boyfriend, the deceased deserved much better from the accused and a young and promising life was lost.

**Findings & Determinations**

19. The Court is thus persuaded that a deterrent imprisonment sentence shall be appropriate in this case.
20. The accused hereby sentenced to an imprisonment of ten (10) years to run from the 12<sup>th</sup> January 2023.  
Orders Accordingly.

**DATED, SIGNED AND DELIVERED AT NAKURU ON THIS 18<sup>TH</sup> DAY OF MARCH, 2026.**

**S. MOHOCHI**

**JUDGE**

