

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAROK

HCCR CASE NO. E011 OF 2022

(CORAM: HON. CHARLES KARIUKI – J)

REPUBLIC.....PROSECUTOR

-VERSUS-

TRUPHENA CHEPKEMOI.....ACCUSED

RULING/SENTENCE

1. The accused was charged with offence of murder contrary to Section 203 as read with Section 204 of the Penal Code Cap 63, Laws of Kenya.
2. He pleaded not guilty. The matter went for pretrial directions and parties opted to do plea bargain negotiation culminating with an agreement.
3. Subsequently, a charge of murder was substituted with a charge of manslaughter. The accused pleaded guilty to the charge and a plea of guilty was entered. Facts were read vide;
 - i) That on 2nd June, 2022 the accused was at her mother's house alone with her two children aged 4 and 2 years respectively, herein referred as the deceased.
 - ii) That at around 9.00a.m. the deceased summoned her son identified as **Festus Kiprop** to the bedroom where the younger one also identified as **Brian Kipkoech** was sleeping and she hit them on the head with a metal rod before strangling them to death with a mosquito net thread.

- iii) That the accused surrendered herself to the police at Ilmotiok Police Post where she reported the incident.
 - iv) That the police officers visited the scene where they found the bodies of the two boys lying on the bed in a two bedroomed house. At the said scene, police also recovered a metal rod, a panga and a blue mosquito net thread.
 - v) That the deceased were taken to Longisa County Referral Hospital for preservation.
 - vi) That on 5th June, 2022 **Dr. Ronald Langat** of Longisa County Referral Hospital conducted an autopsy examination on the deceased bodies where he established the cause of death as ASPHXIA secondary to neck strangulation by a string like object.
 - vii) That on 9th June, 2020 the accused confessed before **C.I. Fred Natala** she killed her children because of her mother **Hellen Chebet Koskei D1**, had nagged her for a long time to leave her home with deceased and yet she did not have anywhere to go to.
4. She admitted above facts and was convicted on his own admission.
 5. The prosecution stated that there was no previous records thus accused be treated as first offender.
 6. A Pre-Sentence Report was ordered to be filed which was filed. Subsequently, in mitigation accused person's Advocate M/s Bosibori submitted that accused is repentant and remorseful. She was a first

offender. That accused killed her 2 children while in a deep depression and seeks lenience. The Pre-Sentence Report was filed dated 13/11/2025;

7. Conclusion:

Based on the findings of this social inquiry, it is evident that the offender, Truphena Chepkemoi, is a first offender who acted under severe emotional and psychological distress at the time of the offence. The circumstances surrounding the incident, coupled with her mental health diagnosis of clinical depression, indicate that her actions were not premeditated but rather a result of a breakdown brought about by accumulated stress and hopelessness.

The offender has since demonstrated genuine remorse and taken full responsibility for her actions. She had been undergoing counselling and psychiatric treatment while in custody and has shown significant improvement in her emotional stability. Her family has forgiven her and remains supportive, having actively participated in reconciliation efforts. The community has also accepted her and has made arrangements for tradition and religious cleansing ceremonies to facilitate her reintegration.

8. Recommendation:

Given her mental health condition, the strong family and community support, her willingness to continue treatment and counselling, and the reconciliatory environment at home, a non-custodial sentence is strongly recommended. Such a sentence would allow the offender to continue with

mental health treatment, receive sustained psychosocial support, and rebuild her life under structured supervision.

It is therefore my considered opinion that the offender be placed on probation supervision for a period to be determined by the Honorable Court.

9. In sentencing an accused person who has admitted to manslaughter (Section 202-205 of the Penal Code) involves balancing the gravity of the lost life against mitigating circumstances, aiming for a sentence that is proportionate, rehabilitative, and just
- 10.. While manslaughter carries a maximum sentence of life imprisonment, courts exercise discretion based on guidelines established in cases such as *Francis Karioko Muruatetu & Another vs. Republic* and the Revised Sentencing Policy Guidelines (2023).
11. Here are the key factors considered in sentencing:
 - 12.1. Mitigating Factors (Factors favoring a lighter sentence)
 13. **Guilty Plea (Early Admission):** Admitting the offense at the earliest opportunity is a major mitigating factor, as it saves judicial time and resources.
 14. **Remorsefulness:** Genuine remorse, expressed through actions like seeking forgiveness or apologizing to the victim's family, is highly regarded.

- 15.**First Offender Status:** Having no prior criminal record suggests potential for rehabilitation.
- 16.**Provocation/Heat of Passion:** If the killing resulted from sudden provocation or a fight, rather than premeditation, this significantly reduces culpability.
- 17.**Age of the Offender:** Youthful offenders are often given lower sentences to allow for rehabilitation.
- 18.**Cooperation with Authorities:** Voluntarily surrendering or assisting police during investigation.
- 19.**Reconciliation Efforts:** Evidence of attempted restitution or compensation to the victim's family.
- 20.**Time Spent in Custody:** According to Section 333(2) of the Criminal Procedure Code, the time spent in remand during the trial is factored into the final sentence.
- 21.2. Aggravating Factors (Factors increasing the sentence)
- 22.**Use of Dangerous Weapons:** Use of weapons like knives, guns, or heavy clubs generally leads to higher custodial sentences.
- 23.**Excessive Force/Brutality:** Engaging in repeated attacks or excessive violence, even during a fight.
- 24.**Premeditation or Planning:** While manslaughter usually implies no malice aforethought, elements of planning increase the severity.

25.**Prevalence of the Offence:** If the crime (e.g., mob justice or clan skirmishes) is common in the area, the court may impose a stricter sentence for deterrence.

26.**Vulnerability of the Victim:** Targeting children, women, the elderly, or disabled persons.

27.3. Procedural and Contextual Factors

28.**Pre-Sentence Report:** A report by a probation officer is essential to evaluate the offender's background, character, remorse, and likelihood of rehabilitation.

29.**Victim Impact Assessment:** The court considers the impact of the death on the victim's family.

30.**Plea Bargain Agreements:** If a plea bargain was reached, the sentence recommended by the prosecution is considered, though not binding on the court.

31.**Reintegration & Community Safety:** Reports on whether the offender can safely return to the community without risking revenge or endangering others.

32. Summary of Sentence Trends (2025-2026)

33. Recent Kenyan High Court rulings (2025-2026) show that while life imprisonment is possible, typical sentences for manslaughter following a guilty plea, where remorse is shown, often range from **5 to 15 years**

imprisonment, depending on the weapon used and the brutality of the act.

I AGREE WITH the post-conviction report recommendation that, given her mental health condition, the strong family and community support, her willingness to continue treatment and counselling, and the reconciliatory environment at home, a non-custodial sentence is the most suitable in the circumstances of the case herein. Such a sentence would allow the offender to continue with mental health treatment, receive sustained psychosocial support, and rebuild her life under structured supervision.

i) Having considered the entire spectrum of the materials above presented to this court, the age of the case and the period accused has been in custody and the disclosed circumstance leading to the death of the victim, I consider this case to be suitable for sentence of two (2) years' probation for accused to be rehabilitated and integrated in the community

34. Orders accordingly

DATED AND DELIVERED AT NAROK VIA MICROSOFT TEAMS THIS 13TH MARCH 2026.

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CHARLES KARIUKI

JUDGE