



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
CRIMINAL CASE NO. E010 OF 2025

REPUBLIC

ODPP

-VERSUS-

HILLARY KORIR

CONVICT

SENTENCING

1. The Convict herein pleaded guilty to the lesser offence of **Manslaughter Contrary to Section 205 of the Penal Code** after initially being charged with **Murder Contrary to Section 203** as read with **Section 204 of the same Code**. This was the culmination of plea bargain between the Director of Public Prosecutions and the Convict pursuant to the provisions of **Section 137A**

of the Criminal Procedure Code. The particulars of the manslaughter charge are that on 3rd February 2025 at around 1700 hours at Taita Village; Mauche Ward in Njoro Sub-County, Nakuru County, the Convict unlawfully caused the death of Festus Kipng'eno.

2. In his written mitigation submissions the defence Counsel (Mr Kirwa) tells the court *inter alia* that the convict is the father of 3 year old child and is taking care of his elderly mother .
3. Urging the court to consider a non-custodial sentence, Counsel also wants his client to be given credit for entering into the plea bargain. Counsel further pleads that the Convict is remorseful and will not re-offend.
4. The Prosecution Counsel (Mr Wakasyaka) acknowledges that the offender has no previous criminal records but notes from the Probation Officer's report he did not accede to the deceased's family offer of reconciliation. The court is further urged to take into account the brutal circumstances in which the deceased met his death

through excessive bleeding occasioned by sharp force trauma. Like the deceased's family, the Prosecution therefore thinks that a custodial sentence is appropriate for the gruesome killing for deterrence.

5. The Probation Officer's pre-sentence report dated 20/01/2026 indicates that the families of the offender and the deceased have not reconciled. Tension between the two families is said to still exist and, therefore, the Convict is feared to be unsafe if released.
6. I have considered the submissions against the applicable principles of sentencing and the operational Judiciary Sentencing Guidelines 2023. The court is also guided by the Supreme Court's decision in **Francis Karioko Muruatetu & Others vs Republic, Petition No. 15 of 2015** requires the court in sentencing to consider various factors including the character, remorsefulness and antecedents of the offender. It is noted that the offender is youthful at 25 and has no criminal antecedents. He voluntarily agreed to enter into

the Plea Agreement among other mitigating circumstances.

7. The circumstances in which the victim's death occurred were indeed gruesome as the deceased was cut on the neck with a sharp object resulting in bleeding and death. This is another relevant factor the court should take into account.
8. Having considered all the relevant factors, I concur with the prosecution Counsel that a custodial sentence is imperative to better deter the offender. While I appreciate the stated mitigating circumstances, the accused perpetrated a vicious attack against the deceased which requires deterrence. His home environment is not also conducive to his return as per the Probation Officer's report.
9. Doing the best I can in balancing the interests of justice, I sentence the offender to ten (10) years imprisonment which commences from the date of his arrest on 4th February 2025 as per the prosecution records, pursuant to the provisions of **section 333 of the Criminal**

Procedure Code. He has 14 days to appeal the sentence only.

10. Sentence imposed accordingly.

J. M. NANG'EA, JUDGE.

Ruling delivered this 28th day of April, 2026.

In the presence of:

The Prosecution Counsel, Mr Wakasyaka.

The Defence Counsel, Mr Kirwa.

The Convict, present.

The Court Assistant, Jeniffer.

J. M. NANG'EA, JUDGE.