



REPUBLIC OF KENYA



**Republic v Barno (Criminal Case 20 of 2017)
[2025] KEHC 3971 (KLR) (26 March 2025) (Sentence)**

Neutral citation: [2025] KEHC 3971 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE 20 OF 2017
HI ONG'UDI, J
MARCH 26, 2025**

BETWEEN

REPUBLIC STATE

AND

JOHNSTONE KIPKEMBOI BARNO ACCUSED

SENTENCE

1. Johnstone Kipkemboi Barno the accused was initially charged with the offence of murder contrary to section 203 as read with section 204 of the *Penal Code*. A plea bargain agreement was later entered into and on 10th February, 2025 the prosecution reduced the charge to Manslaughter contrary to section 202 as read with section 205 of the *Penal Code*. The accused pleaded guilty and was convicted of the same.
2. This court called for a pre-sentencing report which was filed on 11th March, 2025 by M/s Elizabeth Kwamboka a Probation officer Nakuru. The report recommends a non-custodial sentence in view of the fact that the two families have reconciled and performed the traditional requirements.
3. Mr. Kibet for the accused in mitigation stated that the accused was remorseful for what happened. He supported the pre-sentence report.
4. M/s Okok prosecution counsel opposed the placement of the accused on probation or non-custodial sentence. She argued that this was a case of femicide and a strong message needed to go out there.
5. Section 205 of the *Penal Code* on sentence of Manslaughter provide:

“ Any person who commits the felony of manslaughter is liable to imprisonment for life”
6. I have considered the facts of this case, the pre-sentencing report, the mitigation and the submissions by the prosecution through M/s Okok the principal prosecution counsel.



7. The circumstances under which the deceased met her death are clear from the facts presented to the court by the prosecution. The accused set out to cause grievous harm to the deceased. The facts show that he came to the scene at night while armed with a knife with which he stabbed the deceased (his estranged wife) in the chest, and also the head. It did not take long before the deceased passed on as a result of the injury, and by then the accused had fled from the scene.
8. The pre-sentence report shows that the accused was provoked by the deceased's act of posting on the social media photos of herself and a man she was having an affair with. The accused ought to have conducted himself in a more responsible manner if this allegation is true.
9. I have considered all these facts and circumstances. My finding is that the accused acted in a very inhumane manner which was uncalled for and must suffer the consequences. The record shows that he first appeared in court on 23rd March, 2017 and was released on bond on 3rd July, 2017 which is approximately three (3) months plus ten (10) days, stay in prison remand.
10. The accused will serve seven (7) years imprisonment less the period he was in custody before his release on bond. Right of Appeal explained.
11. Orders accordingly

DELIVERED, VIRTUALLY DATED AND SIGNED THIS 26TH DAY OF MARCH, 2025 IN OPEN COURT AT NAKURU.

H. I. ONG'UDI

JUDGE

