



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Kipngeno (Criminal Case E004 of 2021)
[2025] KEHC 7054 (KLR) (29 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 7054 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BOMET
CRIMINAL CASE E004 OF 2021
JK NG'ARNG'AR, J
MAY 29, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

COLLINS KIPNGENO ACCUSED

JUDGMENT

1. The Accused, Collins Kipngeno 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 the 6th day of February, 2023 at Makimeny Village, Makimeny Location, Siongiroi division, Chepalungu Sub County, within Bomet County murdered Beatrice Chebet.
2. The Accused took plea on 23rd February, 2023 where he pleaded not guilty to the charge of murder.
3. On 29th November, 2024, Mr. Barusei advocate for the accused informed this court that he had filed a plea agreement.
4. The Plea-Bargaining Agreement dated 29th November, 2023, indicated that the Accused had agreed to plead guilty to the lesser offence of manslaughter.
5. On 18th March, 2025, this court accepted the Plea Agreement after interviewing the Accused and satisfying itself that he executed the Plea Agreement voluntarily and that he understood his trial rights.
6. On 18th March, 2025 the Accused took plea for the offence of manslaughter. The charge and every element thereof was read and explained to him in the Kiswahili language which he understood and he pleaded guilty. The court entered a plea of guilty for the offence of manslaughter.



7. The Facts as read by the Prosecutor and captured in the Plea Agreement are as follows:-

“The accused person Collins Kipngeno was accused of the offence of murder that on 6th February, 2023 he murdered Beatrice Chebet.

On the material day, 6th February, 2023 at around 1830 hours Collins Kipngeno was seen chasing his mother Beatrice Chebet (deceased) while holding an axe. The accused managed to catch up with the deceased. Collins Kipngeno was seen hitting his mother with an axe on the back of her head where his mother fell down. The Accused continued smashing his mother’s head using the axe as his mother helplessly lied down on the ground. Beatrice Chemutai who witnessed this screamed for help. As she was screaming for help, Collins Kipngeno ran away carrying the axe. Neighbours who responded to the screams came and started administering first aid to the deceased. The neighbours called a person who owns a motor vehicle who rushed the deceased to hospital.

Unfortunately, she was pronounced dead upon arrival at the hospital. Collins was arrested as he tried sneaking back to his house on the same night and was booked at Makimeny police station. He was later transferred to Chebunyo police station.

On 9th day of February, 2023, post mortem was performed on the deceased’s body at Kapkatet hospital mortuary, where the doctor formed an opinion that cause of death was severe head injury due to assault.

The accused was subjected to mental assessment and psychiatric nursing which concluded that Collins Kipngeno was fit to stand trial. Collins Kipngeno was arraigned in court on charges of murder.

8. The Accused accepted the facts as true and was convicted on his own guilty plea for the offence of manslaughter contrary to section 202 as read with section 205 of the [Penal Code](#).

Pre-Sentence Report

9. A pre-sentence probation report dated 17th March 2025 was filed following the court’s direction. The report stated that the Accused regretted circumstances under which he committed the offence and understood the gravity of the offence. He prayed that this court forgives him as he has given his life to Jesus Christ and will be lead by faith in God henceforth and requested for a non custodial sentence.

10. The Probation Officer recommended the Accused was suitable for a non-custodial sentence.

11. In mitigation, the Accused submitted that he had changed and sought this court’s leniency in sentencing.

12. Sentencing serves multiple purposes as enumerated in the [Sentencing Policy Guidelines](#) 2023 which outline 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.

13. 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.

14. In the final analysis, having considered the circumstances of the case, the Accused's Mitigation, the Pre-Sentence Report, the Victim Impact Statement and the applicable Law, I make the following orders: -

- i. The accused is sentenced to serve 7 years imprisonment.
- ii. The sentence to run from 22nd February, 2023 on being arraigned in court.
- iii. 14 days right of appeal is granted.

Orders accordingly

JUDGEMENT AND SENTENCE DELIVERED, DATED AND SIGNED AT BOMET THIS 29TH DAY OF MAY, 2025.

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HON. JULIUS K. NG'ARNG'AR

JUDGE

Judgement and Sentence delivered in the presence of Mr. Ayieka holding brief for Mr Njeru for the State, N/A for the Accused. Siele/Susan (Court Assistants).

