



**Republic v Chepkurui (Criminal Case 45 of 2023)
[2025] KEHC 11535 (KLR) (31 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 11535 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDAMA RAVINE
CRIMINAL CASE 45 OF 2023**

**RB NGETICH, J
JULY 31, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

DICKSON KIPKEMOI CHEPKURUI ACCUSED

SENTENCE

1. The accused Dickson Kipkemoi Chepkurui was charged with the offence of murder contrary to section 203 as read with 204 of the penal code. The particulars of the charge were that on the night of 25th and 26th August, 2019, at Ararae Village, Kapkechui Location in Mogotio Sub- County within Baringo County, the accused person murdered Isaiah Saiba Njoro.
2. By judgement delivered on the 22nd May, 2025 this Honourable court found the accused person guilty and convicted him of the offence of Murder contrary to section 203 as read with 204 of the penal code.
3. After the conviction, the prosecution informed the court that the accused be treated as the first offender. The court directed that a pre-sentence report to be filed before mitigation.
4. When the matter came up for mention on the 10th June, 2025, Ms. Barasa holding brief for Mr. Mwaita counsel for the accused informed the court that Mr. Mwaita had received pre-sentence report that morning and he was unable to prepare well for mitigation, hence they were seeking a nearer date.

Mitigation

5. On the 14th July, 2025 when the matter came up for mitigation, Mr. Mwaita counsel for the accused mitigated on his behalf, he stated that the accused is 49 years old who was married and blessed with 5 children but his wife left and his children are suffering. He said that the accused and the deceased's family have been in talks and are willing to reconcile if allowed. He said that the accused still maintains his innocence, however since he was found guilty, he is remorseful and he prays for lenient sentence so



that he can make peace and take care of his children. He said that the probation report is favourable and being a first time offender, they are praying for a non-custodial sentence.

6. The prosecution counsel Ms. Omari stated that she had looked at the report which is favourable and the family of the deceased are not opposed to reconciliation and they leave the matter to the court. She said that the deceased was a single person.

Determination

7. Under section 204 of the [Penal Code](#) a person convicted of Murder is liable to a death sentence. Section 204 provides that,

“ Any person who is convicted of murder shall be sentenced to death.”

8. I have considered the mitigation by the accused, the fact that he is still a young man with a family to take care of. I have also considered the pre-sentence report which is favourable to the accused.
9. I take note of the fact that the accused is a first offender. I have also considered mitigation through defence counsel. From presentence report, there is no reconciliation between the victim’s family and the accused despite being convicted still denies the offence and is therefore not remorseful. He has not taken any steps to lessen the pain of the victim’s family by seeking forgiven. I take note of the fact that a life was lost through the acts of accused and life being sacred and to deter other would be offenders, I am inclined to imposed custodial sentence.
10. Final Orders:-
 - a. Accused to serve 15 years imprisonment.
 - b. Period served in remand from the date of arrest to be computed in the sentence in compliance with section 333(2) of the criminal procedure code.
 - c. Right of appeal 14 days.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 31ST DAY OF JULY 2025.

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RACHEL NGETICH

JUDGE

In the presence of:

CA Karanja.

Ms. Omari for state.

Ms. Barasa for Accused.

Accused present.

