



**Republic v Tonui (Criminal Case E001 of 2024)
[2025] KEHC 11270 (KLR) (31 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 11270 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BOMET
CRIMINAL CASE E001 OF 2024
JK NG'ARNG'AR, J
JULY 31, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

VICTOR KIPROTICH TONUUI ACCUSED

SENTENCE

1. The Accused, Victor Kiprotich Tonui 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 20th day of December, 2023 at Chemogoi Village, Kapkures sub location, Sotik sub county within Bomet County murdered Benard Kipngeno Sigei.
2. On 8th July, 2025 the parties wished to plea bargain. The Plea-Bargaining Agreement dated 8th July, 2025 indicated that the Accused had agreed to plead guilty to the lesser offence of manslaughter.
3. On the said date that is, 8th July, 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.
4. The Accused took plea for the offence of manslaughter. The charge and every element thereof was read and explained to him in the Kipsigis language which he understood and he pleaded guilty. The court entered a plea of guilty for the offence of manslaughter.
5. The Facts as read by the Prosecutor and captured in the Plea Agreement are as follows:-

“The accused person Victor Tonui was accused of the offence of murder on 20th day of December, 2023. Both the deceased and the accused met at burial site where arrangements for the burial of mother to Benard Sigei and grandmother to Victor Tonui were going on. That the accused person hit the deceased with a stone an act that rose from an argument



on allegations of the deceased Benard Sigei owing the accused Victor Tonui kshs. 1,000 which the deceased declined to repay. That the deceased slapped the accused Victor Tonui. After which the accused became agitated and hit the deceased with a stone. The postmortem was conducted and it was established that the cause of death was due to severe head injury secondary to assault”.

6. 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](#).

Mitigation

7. The accused proceeded by way of mitigation submissions dated 28th July, 2025.

Pre-Sentence Report

8. A pre-sentence probation report dated 29th July, 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 and requested for a non custodial sentence promising to abide by all set conditions.

9. The Probation Officer recommended the Accused was not suitable for a non custodial sentence.

10. 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.
11. 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.
 12. 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 10 years imprisonment.
 - ii. The sentence to run from 5th January, 2024 on being arraigned to court.
 - iii. 14 days right of appeal is granted.



Orders accordingly.

JUDGEMENT ON SENTENCE DATED, DELIVERED AND SIGNED AT BOMET THIS 31ST DAY OF JULY, 2025.

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HON. JULIUS K. NG'ARNG'AR

JUDGE

Judgement on Sentence delivered in the presence of Ms Koech for the State, C. Kosgei for the Accused and Accused in person. Siele/Susan (Court Assistants).

