



**Office of the Public Prosecutions v Tubei (Criminal Case
78 of 2012) [2025] KEHC 11295 (KLR) (29 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 11295 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE 78 OF 2012**

**JM NANG'EA, J
JULY 29, 2025**

BETWEEN

OFFICE OF THE PUBLIC PROSECUTIONS PROSECUTION

AND

COLLINS KIPROP TUBEI ACCUSED

SENTENCE

1. Collins Kiprop Tubei (“the Convict”) was on 19th June 2025 convicted of murdering the deceased herein (Joseph Mong’are Nyamboga). The court then called for pre-sentence report from the Probation Officer which has been duly filed. The parties proceeded to offer their pre-sentence submissions.
2. Learned Counsel for the Convict (Mr. Mong’eri) told the court that his client is 49 years old, married and has two school going children. His wife is expectant and resides in Nairobi while he lives in Nakuru.
3. The Convict is said to be remorseful over the death of the deceased who was his friend. The court is urged to consider the fact that he has no records of previous conviction as would be confirmed by the prosecution. I am also impressed upon to take into account the long period the trial has taken. The offender is said to be ready to reconcile with the deceased’s family, informing the court that there were such efforts even before the court rendered its judgement.
4. In the premises, Mr. Mong’eri pleads for a non-custodial sentence for the Convict.
5. The Republic through Mr. Wakasyaka (Prosecution Counsel) opposes a non-custodial sentence. Counsel terms the offence of which the offender was convicted as very serious and that the deceased’s family wants justice. The deceased is said to have left behind young school going children. A severe and deterrent custodial sentence is suggested against the Convict.



6. In rejoinder, Mr. Mong'eri appreciates the seriousness of the offence but continues to underscore the mitigating circumstances stated to the court.
7. I have considered the Counsel submissions and also perused the Probation Officer's Report dated 8th July 2025. The report confirms the close friendship that existed between the Convict and the Deceased as well as his family. The Convict is reported to be remorseful and expressed willingness to reconcile with the deceased's family.
8. The Probation Officer further reports that the deceased left behind dependent children including a form 3 student. His widow was a primary school teacher at the time and could only manage to contribute to the family's welfare to a limited extent. She has, however, since acquired more education that has seen her get promoted to a Secondary School Teacher.
9. According to the Probation Officer, the deceased's family had attempted to discuss reconciliation with the family of the Convict in 2013 but then decided to let the legal process take its course.
10. The court is further told that the deceased's widow believes that the murder was motivated by a dispute over a parcel of land. She wants the Convict to surrender the land which is registered in his name despite her paying its purchase price.
11. For the stated reasons and/or observations the Probation Officer leaves the matter to the court's discretion.
12. I have taken all relevant factors, extenuating and aggravating, into account as guided by the principles enunciated in the famous Supreme Court case of Francis Karioko Muruatetu and the Judiciary Sentencing Guidelines, 2023. Although the Convict has no other criminal antecedents and he is willing to reconcile with the deceased's family, he brutally caused the death of the deceased whose body was later dumped in a thicket. This was a painful betrayal of friendship and business partnership the Convict and the deceased long cultivated and enjoyed. I agree in the circumstances that a deterrent custodial sentence would meet the ends of justice.
13. The Convict is hereby sentenced to 30 (thirty) years in prison. As he would be advised by his Legal Counsel, he has 14 days to appeal the conviction and sentence.

J. M. NANG'EA

JUDGE.

DELIVERED THIS 29TH DAY OF JULY, 2025

In the presence of:

Mr. Wakasyaka for the Republic

Mr. Mong'eri Advocate for the Accused/Convict

Court Assistant (Jeniffer)

J.M. NANG'EA, JUDGE.

