



**Republic v Kemoi (Criminal Case E024 of 2021)  
[2024] KEHC 5467 (KLR) (29 April 2024) (Sentence)**

Neutral citation: [2024] KEHC 5467 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAJIADO  
CRIMINAL CASE E024 OF 2021  
SN MUTUKU, J  
APRIL 29, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**SAMSON KIPKORIR KEMOI ..... ACCUSED**

**SENTENCE**

1. Samson Kipkorir Kemoi, the accused herein, was initially charged with murder contrary to section 203 as read with section 204 of the [Penal Code](#). The offence was reduced to manslaughter contrary to section 202 as read with section 205 of the Penal Code after the Prosecution and the Accused entered a plea-bargaining agreement. The particulars of the offence of manslaughter are that on 23<sup>rd</sup> October, 2021 at Kamukunji area, within Kiserian Loitoktok Kajiado South Sub-County within Kajiado County, he unlawfully killed Miriam Chepchirchir.
2. The accused pleaded guilty to manslaughter and admitted the facts as presented by the prosecution counsel. This court entered a plea of guilty and convicted the accused on his plea of guilty.
3. The facts of the case show that the accused and the deceased were in a romantic relationship. That the accused travelled to Loitoktok on 23<sup>rd</sup> October 2021 to find out why the deceased was not receiving his calls. He did not find her at her rental place. He let himself into the deceased’s house with the spare key he possessed and waited for her. When she arrived, she did not want to stay with him. She returned to the hostels because she did not want to continue with the relationship. At around 9:00pm the accused managed to get a chance to talk with the deceased through the help of her friends. The two were left together to discuss their issues. The following morning at 6:00am, the accused went to Loitoktok police station and reported that he had a quarrel with the deceased and that he had stabbed her several times on the neck and that she succumbed to the injuries.



4. The accused led police officers to the crime scene, where they found the body of the deceased lying in a pool of blood. The scene was documented, photographs taken, and the deceased body moved to Loitoktok Mortuary. A kitchen knife and other exhibits were recovered from the scene. After investigations were completed, the accused was charged with murder which has been reduced to manslaughter.
5. Following conviction, the court called for a pre-sentence report and set the matter down for mitigation hearing on 24<sup>th</sup> January, 2024. The report was filed on 11<sup>th</sup> March, 2024.
6. During mitigation hearing, counsel for the accused submitted that the accused is now 30 years old. He is a graduate of Computer Science and comes from a humble background. He is the sole bread winner of his family. Court was told that the accused was remorseful, has learned his lesson and seeks non-custodial sentence. He vowed not to repeat the crime.
7. The prosecution submitted that the accused has no previous convictions and that he should be treated as a first offender.
8. I have read the pre-sentence report. It shows that the accused is remorseful for what happened. He comes from a humble background and his parents had high hopes on him and relied on him. I have noted that the two families have negotiated compensation according to Kipsigis customs and that a heifer was given to the family of the deceased as a sign of good will and intention of reconciliation. The family of the deceased is amenable to reconciliation and compensation as shall be guided by the clan. The report shows that the family of the accused is expected to give eight head of cattle to the family of the deceased as compensation.
9. The report is favourable and recommends the suitability of the accused for a non-custodial sentence subject to court's discretion.
10. I have noted from the facts of this case and the probation officer's report that the accused and the deceased had relationship issues. But this did not have to end in death of the deceased. It seems that the accused has anger issues which may require professional help to manage anger. Life is sacred and nothing can compensate a lost life. However, I note that the accused is remorseful for what he did.
11. I have considered the report and the attitude of the accused towards this offence. I have considered that the accused is a first offender and that he did not have criminal tendencies. I have also considered the reconciliation processes going on between the two families and that the family of the deceased is willing to engage with the family of the accused and get compensated according to Kipsigis customs and culture. I have also noted that by pleading guilty to manslaughter, the accused has saved on judicial time and enabled this court to conclude this matter expeditiously. I have considered that the accused did not spend time in custody as he posted bail and was released from custody pending the determination of this case.
12. For the above reasons, I will and do hereby sentence the accused to serve one-year custodial sentence after which he shall be placed on probation for a period of two years. During his time in serving custodial sentence, the accused shall be placed under psychosocial support from professional personnel. This will help him in anger and related issues management.
13. It is so ordered.

**DATED, SIGNED AND DELIVERED THIS 29<sup>TH</sup> APRIL 2024.**

**S.N. MUTUKU**

**JUDGE**

