



REPUBLIC OF KENYA



KENYA LAW
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**Kiprotich v Republic (Criminal Appeal 36 of 2019)
[2024] KEHC 7698 (KLR) (26 June 2024) (Judgment)**

Neutral citation: [2024] KEHC 7698 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL APPEAL 36 OF 2019**

**JR KARANJA, J
JUNE 26, 2024**

BETWEEN

ROBERT KIPROTICH APPELLANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. The Appellant was convicted by the trial court on two traffic offence of causing death by dangerous driving and driving of uninsured motor vehicle. He had been also charged with the offence of driving a defective motor vehicle but was acquitted of that charge. Upon conviction, he was sentenced to fifteen (15) years imprisonment for dangerous driving and fifteen (15) years imprisonment for driving an uninsured motor vehicle. Both sentences were to run concurrently.
2. Being dissatisfied, the Appellant filed this appeal which is essentially of sentence and for which this court may interfere with if it was unlawful or if it was inordinately high or low or rather harsh and excessive. The state/Respondent is not opposed to the appeal on the basis that the sentence of fifteen (15) years imprisonment for causing death by dangerous driving was not in keeping with the sentence of ten (10) years imprisonment prescribed by the relevant provision of the *Traffic Act*.
3. The implication was that the sentences imposed by the trial court were harsh and excessive if not unlawful.
4. This court agrees with the contention by the state in its non opposition to this appeal which is therefore allowed to the extent that the concurrent sentence of fifteen (15) years imprisonment imposed upon the Appellant by the trial court is hereby set aside and substituted for a sentence of the term already served by the Appellant is in prison given that he was sentenced in the year 2019.
5. Orders accordingly.



DATED, SIGNED AND DELIVERED AT KERICHO THIS 26TH JUNE, 2024.

J.R. KARANJAH

JUDGE

In the presence:-

Appellant; Present

Mr. Karanja for state

Court Assistant; Kibet

