



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAKURU**

**CRIMINAL CASE NO. E012 OF 2021.**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**CLEMENT KIPROP CHERUTICH**

**alias JOHN MELO JOHN.....ACCUSED**

**JUDGEMENT ON SENTENCE**

1. The accused was charged with the **murder of the late Collins Kipkemoi cherutich on 28<sup>th</sup> February 2021 at kapoch village murram Solai in Rongai Sub County within Nakuru County.**
2. After plea was taken he decided to change the same and entered into a plea bargaining agreement where the charges were reduced to **Manslaughter contrary to Section 202 and 205 of the Penal code.**
3. The accused admitted the offence and in his mitigation, his counsel submitted that he be treated leniently as he was remorseful and the deceased was his son whom he had had a long strained relationship as he abused alcohol.
4. The court decided to have a presentence report which was filed on 6<sup>th</sup> December 2021. The same goes at length to explain the strained relationship between the deceased and the accused. It appears that the deceased abused the accused in a derogatory language to suggest that he was having an affair with his wife (daughter in law.)
5. The learned state counsel left the matter to the discretion of this court.
6. The court has perused the circumstances that led to the fight between the deceased and the accused. It appears that it was a culmination of a long dispute and provocation between the father and son. The accused wife whom it is alleged was also a drunkard seems to have waded into the fray and sided with the deceased.
7. All in all the court has taken into account the report and the sentiments as well as the remorse by the accused and more importantly the desire to reconcile with his family. It is also noted that he was a first offender. The court notes that he has been in custody for almost one year.
8. In the premises, the accused is hereby sentence to a **three years' probation** period from the date herein. He shall serve under the supervision of the County Probation Office as he shall deem appropriate.

**DATED SIGNED AND DELIVERED VIA VIDEO LINK THIS 16<sup>TH</sup> DAY OF FEBRUARY 2022.**

**H K CHEMITEI**

**JUDGE**