



**Republic v Ngetich (Criminal Appeal E042 of 2021)
[2022] KEHC 15023 (KLR) (27 July 2022) (Decision)**

Neutral citation: [2022] KEHC 15023 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL APPEAL E042 OF 2021
RN NYAKUNDI, J
JULY 27, 2022**

BETWEEN

REPUBLIC STATE

AND

STANLEY KIPKEMOI NGETICH ACCUSED

DECISION

1. The convict was initially charged with the offence of murder contrary to section 203 as read to section 204 of the Penal Code. Dependent on the facts of the case the defence moved a motion to the state seeking to enter into a plea bargaining agreement which culminated into the offence being reduced to that of manslaughter contrary to section 202 as read with section 205 of the penal code. The convict pleaded guilty to the lesser offence as outlined in the facts by the state. The policy direction in sentencing for manslaughter offences is underpinned under section 205 of the Penal Code. The overview of the guiding principles in favour of sentencing verdict are to be found in the sentencing policy of the judiciary 2016. The key purposes of sentencing as identified in our law include;RetributionDeterrenceRehabilitationIncapacitationDenunciation, andRestoration
2. Under this view, I have taken into account the aggravating factors and mitigation as reflected in the record. One of the main purpose of punishment is to protect the public from the commission of such crimes by making it clear to the offender and to other persons with similar impulses if they yield to them they will meet with severe punishment. Specific to this case the aggravating factors outweigh the mitigation offered by the convict. The convict was in a position to understand the consequences of his action. The manner in which the offence was carried out and the purpose it was meant to achieve is very clear from the plea bargaining agreement. The convict was primarily responsible for the commission of the offence. In my judgment I am persuaded to pass a custodial sentence of twelve (12) years imprisonment given the circumstances of the offence.

Fourteen (14) days right of appeal.



DATED, SIGNED AND DELIVERED AT ELDORET THIS 27TH DAY OF JULY, 2022.

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R. NYAKUNDI

JUDGE

