

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO.19 OF 2018

REPUBLIC.....PROSECUTOR

VERSUS

BENARD KIPTONUI RUTO.....ACCUSED

SENTENCE

1. The accused person herein pleaded guilty to the lesser offence of manslaughter contrary to section 202 as read with section 205 of the Penal Code after entering into a plea bargaining agreement.
2. In mitigation defence counsel Mr. sang informed the court that the accused was a first offender, had 3 school going children and that both the accused person and the deceased (who was his wife) were drunk when the incident occurred. Counsel prayed for leniency in sentencing the accused.
3. Mr. Ayodo for the State on the other hand urged the court to take into account the fact that a precious life had been lost, and the family of the deceased had lost their loved member.
4. In addition to the above submissions of the defence counsel and counsel for the State, this court was availed a pre-sentence report prepared by Francis Obanyi Probation Officer Kericho in which it was noted that the accused was a 33 year old father of 3 and had asked for leniency but the family of the deceased opposed a non-custodial sentence.
5. I have considered that the accused is a first offender, he is fairly young at 33 years of age, and is remorseful and did not waste the court time by pleading guilty to manslaughter. Though the deceased was drunk and could not cook for the children, the accused used a sharp object to kill her. A non custodial sentence is not suitable. I sentence the accused person to 8 years imprisonment.

Dated this 30th day of April 2020.

GEORGE DULU

JUDGE

Delivered through video conferencing in the presence of Mr. Langat court assistant, Mr. Musyoka ICT officer, Ms Fundi for state, Mr. Sang for accused and accused.