



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO.10 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

WESLEY KIPKOECH RONO.....ACCUSED

JUDGMENT

1. The Accused person was convicted on his own plea of guilty with manslaughter contrary to section 202 as read with Section 205 of the Penal Code following a successful plea bargain agreement whereby the charge was reduced from that of murder contrary to section 203 as read with section 204 of the Penal Code to manslaughter.
2. The particulars of the charge were that on 16th April 2017 at CHEMAMANYIK village at Bureti District within Kericho County, the accused person unlawfully killed LEONARD CHERUIYOT RONO alias KIPLANGAT CHEPKWONY.
3. The facts of the case as given by the prosecutor were as follows;

“On the 6th day of April 2017 at around 9pm at Chamamanyik village within Bureti district, the accused person who was by then drunk arrived and went to his mother’s house then asked for food. The accused person was given food and while he was eating, he enquired about his brother’s (deceased) house which a foundation was to be constructed by one Eric Mutai on that day but learned that the same was not done.

The accused person got annoyed, started quarrelling and overturned the table that he was using to eat causing all the utensils and food to pour and scatter on the ground. The commotion attracted his brother, the deceased who was sleeping in a separate house. The deceased went to his mother’s house and got hold of the accused person’s hand asking him to go and sleep. While outside the house, the accused person was shouting and threatening to fight with the deceased. The deceased managed to force the accused person to his house and locked it from inside.

After a few minutes the accused person escaped through the window and went to his mother’s house and demanded that the door be opened. He kicked the door thrice from outside and his mother decided to open the door and tried to calm him down. The deceased then went to where his mother was trying to calm the accused person outside the house and on reaching there, the accused person removed a knife and used it to violently attack the deceased, stabbing him on the lower left shoulder near the collar bone causing a very deep cut wound on that region of his body.

A lot of blood was oozing from the deceased’s shoulder and the family members who were there raised alarm. Neighbours rushed to the scene and helped to take the deceased to hospital at AIC Litein Mission. He later passed away while undergoing treatment.

The body of the deceased was moved to the mortuary of the same hospital where a postmortem was performed by Dr. N. K Mutai who formed the opinion that the cause of death was cardiopulmonary arrest secondary to penetrating stab wound extending to upper left lung leading to haemothorax and pneumothorax. The accused person had by then escaped to unknown destination but with the help of the area chief and members of the public, he was arrested the following day in a nearby village where he had gone hiding.

The accused was escorted to Roret Police Station where he was booked in and after investigations were concluded he was charged with the offence of murder contrary to section 203 as read with section 204 of the penal code which has now been reduced to the offence of Manslaughter Contrary to section 202 as read section 205 of the penal code.

4. The court has considered the mitigation as given on behalf of the Accused person by his counsel.
5. The court has also considered the Pre-sentence Report filed herein by the Probation Officer which states that the accused was under the

influence of alcohol when he committed the offence.

6. The deceased who was the younger brother of the accused person was stabbed by the accused following a disagreement.

7. The maximum sentence provided for manslaughter is life imprisonment.

8. I have considered the mitigating circumstances in this case and I sentence the accused person to five (5) years imprisonment.

9. The sentence to start running from the time the Accused was arrested on 20/4/2017. The period of 3 years that accused has been in custody is taken into account.

10. The time will start running from 20/4/2017. The accused has two more years to serve.

Delivered, dated and signed at Kericho this 19th day of November 2020.

A. N. ONGERI

JUDGE