

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

HIGH COURT CRIMINAL CASE NO. 21 OF 2018

REPUBLIC.....PROSECUTION

VERSUS

LAWRENCE KIPKOECH BETT *alias* KIPLOBOTI.....ACCUSED

SENTENCE

1. I have considered the circumstances of the offence, the mitigation presented to court by counsel for the accused and the pre-sentence report filed by the Probation Officer, Kericho.
2. The accused pleaded guilty to the lesser charge of manslaughter through a plea bargain agreement. He is a first offender, and a relatively young man who is yet unmarried. He was drunk, so was the deceased. The pre-sentence report is to the effect that the accused and deceased's families have reconciled, and propose a non-custodial sentence.
3. In my view, though there is a proposition for a non-custodial sentence from the Probation Officer, such is not appropriate in the circumstances of the case. Though no weapon was used, the accused used unnecessary physical force on a harmless and defenseless drunken man who only attempted to get shelter in their homestead. Such crimes of needless violence should be discouraged.
4. I thus sentence the accused to serve 4 years imprisonment. He may appeal to a higher court on sentence within 14 days from today.

Dated, delivered and signed at Kericho this 30th day of April 2019.

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George Dulu

JUDGE