

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERICHO

CRIMINAL CASE NO.7 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

DAVID CHERUIYOT CHIRCHIR.....ACCUSED

SENTENCE

1. I have considered that the accused has pleaded guilty to the lesser charge of manslaughter. The State has informed the court that he is a first offender as there is no previous conviction recorded against him. The Prosecuting counsel also informed the court that a valuable life was lost in the accused's hands, and that the assault was severe, and that the deceased was unarmed.
2. I have taken into account that the accused's counsel has informed the court that the accused is remorseful for the events of the fateful day which occurred at a traditional initiation ceremony, and a girl might have been the cause of the unfortunate occurrence. I have also considered that the accused is a young family man with three (3) children.
3. The court ordered a pre-sentencing report to be filed by the Probation Officer, Kericho, but same was not filed.
4. The accused did not waste court's time by pleading guilty to a lesser charge of manslaughter. He is remorseful and is a relatively young man. A precious life was however lost. The force used was not necessary. The maximum sentence for the offence of manslaughter is life imprisonment.
5. In the circumstances of this case, and the fact that this is a two year old case and accused has been in custody, I sentence him to serve six (6) years imprisonment. Right of appeal on sentence is explained.

Dated this 27th day of May 2019.

George Dulu

JUDGE