



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAROK**

**CRIMINAL CASE NO. 6 OF 2017**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**ROBERT KIPCHIRCHIR.....ACCUSED**

**JUDGEMENT ON SENTENCE**

1. The issue before me is one of the appropriate sentence to be imposed upon the accused person whom I have already convicted of manslaughter following his plea of guilty.

2. In mitigation it is clear that the accused voluntarily pleaded guilty to the offence of manslaughter. Additionally, he stated in mitigation that his family and that of the deceased have reached an agreement to compensate the family of the deceased with 9 heads of cattle. Pursuant to that agreement the family of the deceased has already taken possession of four heads of cattle.

3. I have also found that the accused is a young man who was a student at Maasai Mara University. I also find that the deceased was his girlfriend, with whom he quarrelled, which led to a fight between them.

4. According to the post mortem report which was put in evidence as prosecution evidence 1 the deceased was aged 24 years. The pathologist found the following injuries on the deceased:

- 1) Abrasions on the chin
- 2) Abrasions on the neck
- 3) Contusions on the left side of the face and on both shoulders
- 4) Haemorrhage in the head.

According to the report, the deceased died of a head injury due to blunt force trauma.

5. After considering the mitigating and aggravating factors as outlined in the foregoing paragraphs, I find that the accused cut short the life of the 24 year old deceased. I also find that he inflicted serious injuries. Finally, I also find that he is a first offender and he is equally remorseful.

6. In the circumstances, I find the appropriate sentence is one of ten years imprisonment under section 205 of the Penal Code (Cap 63) Laws of Kenya as read with section 322 (2) of the Criminal Procedure Code (Cap 75) Laws of Kenya.

**Judgement on sentence delivered** in open court at **Narok** this **31<sup>st</sup> day of July, 2018** in the presence of Ms. Nyaraita for the state and Mr. Onduso for the accused.

**J. M. BWONWONGA**

**JUDGE**

**31/7/2018**