



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 4 OF 2014

REPUBLIC.....PROSECUTOR

VERSUS

DAVID KIPSIELE YEGON.....ACCUSED

RULING ON SENTENCE

1. The accused was initially charged with murder contrary to **Section 203** as read with **Section 204** of the **Penal Code** but later convicted of Manslaughter contrary to **Section 202** as read with **Section 205** of the **Penal Code** after a plea bargaining agreement.
2. The circumstances leading to the commission of this offence are clear from facts. The postmortem report shows that the accused stabbed the deceased severally and not just once. The fatal injuries were to the spleen and kidney.
3. There is no evidence that the accused himself was injured by the deceased. I find the accused's acts to have been irresponsible and uncalled for.
4. The social inquiry report filed by the Probation Officer on 16th January, 2015 dis-recommends, a non-custodial sentence. The accused's family has had to relocate to another place of abode due to the hostility from the deceased's family.
5. I have considered all these facts together with the accused's mitigation and the social inquiry report.

I have equally considered that the accused has been in custody for almost one (1) year now.

6. I do find a sentence of five (5) years imprisonment to be appropriate.

It is so ordered.

Dated, signed and delivered in court this 23rd day of January, 2015.

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H. ONG'UDI

JUDGE

In the presence of:

M/s Kivali for State

Mr. Ong'anyi for accused

Rotich- court assistant