



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERICHO
CRIMINAL CASE NO. 2 OF 2014

REPUBLIC.....PROSECUTOR

VERSUS

ROBERT MARITIM KIPNGETICH.....ACCUSED

RULING ON SENTENCE

1. The accused herein was charged with the offence of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. The said charge was reduced to Manslaughter contrary to **Section 202** as read with **Section 205** of the **Penal Code** after a plea bargaining agreement. The accused was then convicted of the said reduced charge.
2. In mitigation Mr. Mutai for the accused told the court that the accused is aged 22 years and suffers from epilepsy. The facts also revealed that the accused and the deceased were brothers of the same father and mother.
3. A social inquiry report was filed by the Probation Officer and it confirmed that the community and family were ready and willing to receive the accused back home.
4. The accused was first arraigned in court on 13/1/2014. He has been in custody for one (1) year now. I believe he has had time to reflect on what he did to his own brother. His acts were irresponsible and uncalled for. He hit his brother on the head not once but severally.
5. I have considered all these facts plus the mitigation and the social inquiry report. I find a sentence of five (5) years to be appropriate. He will serve it as follows.

- The first two (2) years will be a prison term.

- The next three (3) years will be on probation, whose conditions are explained to the accused person.

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. Mutai Joshua for accused

Rotich- court assistant