

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 45 OF 2013

REPUBLICPROSECUTOR

VERSUS

RICHARD KIPRONO KIRUI.....ACCUSED

RULING ON SENTENCE

- The accused person was initially charged with the offence of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. However, after plea bargaining, the charge was reduced to Manslaughter contrary to **Section 202** as read with **Section 205** of the **Penal Code** for which he was convicted on admission.
- The circumstances leading to the commission of the offence are very clear from the facts.
- The social inquiry report shows that the deceased and accused had temporarily separated for a month before the incident. The deceased was buried at her parents home. It is clear from the report that healing has yet to take place.
- In spite of the differences the accused acted irrationally and irresponsibly. He stabbed his an unarmed wife in the chest.
 - He has been in custody for 1 ½ years. Considering all the above and all the contents of the social inquiry report I find a non-custodial sentence to be no option for the accused. He is sentenced to five (5) years imprisonment.

Dated, signed and delivered this 13th day of March 2015.

H.I. ONG'UDI

JUDGE

In the presence of :

M/s Mwangi for State

Mr. Maengwe for accused

Lagat – Court Assistant