

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERICHO

CRIMINAL CASE NO. 14 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

VINCENT KIPNGETICH RONO.....ACCUSED

SENTENCE

Vincent Kipngetich Rono, the accused person herein, was originally arraigned before this court to face a charge of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. Pursuant to the plea agreement executed on 25th February 2014, the accused was instead convicted on his own plea of guilty to the lesser charge of manslaughter contrary to **Section 202** as read with **Section 205** of the **Penal Code**. The particulars of the offence are that on the 8th day of March 2012 at Chepululu Village Kipsegi Location in Kipkelion District within Kericho County, it is admitted that the accused killed **Eric Kipkemoi Rono**.

Upon conviction and before sentencing, this court invited the accused's learned counsel to submit factors in Mitigation and further called for a probation report on the accused. I have considered the aforesaid submissions and the probation report. It is apparent that the accused is a first offender who committed the offence without intention. The circumstances of the offence are that the deceased came home while drunk and had a quarrel with his wife leading to a struggle. The deceased's wife screamed attracting the attention of her father-in-law who in turn summoned the accused, the deceased's brother came to rescue his daughter-in-law. When the deceased saw his brother come, he removed a panga as though to attack him. In the ensuing struggle, the panga accidentally cut the deceased on the forehead fatally injuring him. The accused deeply regrets the offence and he is remorseful. The accused is a first offender aged twenty five (25) years. He has been in custody for two years. He pleads to be given a non-custodial sentence. That plea is not opposed by the family, the probation officer and the community at large. Plans are underway to conduct the Kipsigis traditional cleansing ceremonies to reconcile the family and to fully reintegrate the accused to society. The ceremony can meaningfully take place when the accused is free. In the circumstances of this case, I am convinced a non-custodial sentence is the most appropriate punishment. I hereby order the accused to be set free from custody and to serve two (2) years probation under the supervision of the Probation Officer, Kericho County. The accused should exhibit good behaviour during this period and to strictly follow the guidelines given by the Probation Officer to avoid reprisals due to any default.

Dated, Signed and delivered in open court this 20th day of March, 2014.

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J.K.SERGON

JUDGE

In the presence of:

Mr. Lopokoiyit for Director of Public Prosecutions

Mr. Motanya for Accused