

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 48 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

GLADYS CHEPKURUI SANG.....ACCUSED

SENTENCE

GLADYS CHEPKIRUI SANG, the accused person herein was initially tried on a charge of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. The particulars of the offence are that on the 9th day of December, 2012 at Duka Moja Estate in Sotik Township within Bomet County murdered **Rose Adhiambo**. The accused and the prosecution later executed the plea agreement dated 18th February, 2014 in which the accused instead pleaded guilty to the lesser charge of Manslaughter contrary to **Section 202** as read with **Section 205** of the **Penal Code**. The accused was subsequently convicted.

Before pronouncing the sentence, this court invited the accused and his legal advisers to make submissions in Mitigation. This court also called for a Probation Report on the accused person. I have taken into account the facts in Mitigation and the Probation Report. Mr. Lopokoityit, learned Prosecution Counsel urged this court to treat the accused as a first offender since he did not have the past criminal record of the accused. Mr. Maengwe, learned advocate for the accused beseeched this court to be lenient to the accused and pronounce a non-custodial sentence to enable her take care of her young children. It was also stated that the offender who is aged 29 years is remorseful and sickly. Mr. Maengwe, further pointed out that the accused committed the offence under extreme provocation but after a serious reflection she regrets the incident. The facts outlined by the prosecution indicates that the deceased personally went to the accused's house, held the accused by the collar with threats to beat her. The deceased and the accused made accusations and counter accusations relating to witchcraft and prostitution and in the process a struggle ensued. The accused used a knife she snatched from the deceased to stab the deceased thus fatally injuring her. The Probation Report on the accused shows that the accused is remorseful and has asked for forgiveness from the victim's family. The offender's family have taken steps to initiate the process of reconciliation and to offer help in taking care of the victim's children. The Probation Report also shows that the accused and the deceased together with their children were bosom friends neighbouring each other. The clan members are ready to receive the offender and reintegrate her to society hence the home environment is conducive. A cleansing ceremony according to the Kipsigis customs and rites is in the offing. I am satisfied that in the circumstances of this case, that a non-custodial sentence is the most appropriate penalty. I hereby order that the accused be set free from custody and ordered to serve probation for 2 ½ years under the supervision of the Probation Officer, Sotik District.

Dated, signed and delivered in open court this 4th day of April, 2014.

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J.K.SERGON

JUDGE

In the presence of:

Miss. Kivali for Director of Public Prosecutions

Mr. Motanya holding brief for Mr.Maengwe for Accused