

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 29 OF 2009

REPUBLIC PROSECUTOR

VERSUS

BERNARD KIPKIRUI RUTO1ST ACCUSED

DENNIS KIPRONO KIRUI 2ND ACCUSED

RULING ON SENTENCE

The two accused persons were initially charged with the offence of Murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. The case proceeded to hearing with eight (8) witnesses testifying. The charge was later on reduced to Manslaughter after a plea bargaining arrangement. The social inquiry reports on the accused persons have been filed. They are favourable. The facts show that though the deceased threw stones at the accused persons none of the stones hit any of them.

The postmortem report shows that the deceased suffered several injuries on several parts of the his body. This means he was hit severally with stones leading to the fatal fracture of the sternum. This was uncalled for.

I have however considered that the accused persons have been in custody for five(5) years five(5) months as they awaited the hearing and determination of this case.

Order

Each is sentenced to three(3) years imprisonment.

Dated, signed and delivered this 17th day of December, 2014

H.I. ONG'UDI

JUDGE

In the presence of :

M/S Munyolo for State

Mr. Korir for Accused 1

Mr. Korir for Mr. Orayo for Accused 2

Accused

Lagat– Court Assistant

Interpretation – English/Kipsigis