

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 31 OF 2012

REPUBLIC PROSECUTOR

VERSUS

NICHOLAS ROTICH *alias* GEOFFREY ACCUSED

RULING ON SENTENCE

1. The accused person was initially charged with the offence of Murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**.

The same was reduced to Manslaughter after a plea bargaining arrangement.

2. The circumstances leading to the commission of this offence are clear from the facts. The accused was not assaulted at all by the deceased even if they were in a drinking den. The force he used on a drunk, defenceless, unarmed deceased was uncalled for. The accused stabbed the deceased on the abdomen. This was not accidental.

3. The Probation Officer's Report has been filed and recommends Probation for the purpose of carrying out traditional/customary rituals. The deceased person's family is not for reconciliation according to the report.

4. In passing sentence, I have considered all that has been stated in mitigation and the fact that the accused has been in custody for two(2) years plus four(4) months.

He will therefore serve four (4) years imprisonment. Orders accordingly.

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. Nyaingiri for accused – absent

Accused – present in person

Lagat – Court Assistant

Interpretation – English/Kipsigis