

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 12 OF 2012

REPUBLICPROSECUTOR

VERSUS

WESLEY KIPKEMOI KEIYO ACCUSED

SENTENCE

Wesley Kipkemoi Keiyo, the accused person herein, was initially arraigned before this court to face a charge of murder contrary to **Section 203** as read with **Section 204** of **Penal Code**. Learned counsels appearing in the case recorded a plea agreement in which the accused accepted to plead guilty to the 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 5th day of March, 2012 at Cheboyo sub-location in Chepalungu District within Rift Valley Province he killed **Peter Kipkurui Korir**. Upon approving the plea agreement, this court convicted the accused and reserved the order on sentence to await a report from the Probation Officer.

The plea agreement was approved by the Honourable Mr. Justice Mutava who also convicted the accused. The Honourable Judge is not in a position to sit at the moment hence pursuant to **Section 200** as read with **Section 201** of the **Criminal Procedure Code** this court proceeds to pronounce the order on sentence. I have considered the facts submitted in mitigation. It is stated that the accused is remorseful and that he is a first offender. This court was also urged to consider the period the accused has served in custody. I have also considered the circumstances in which the offence took place. In the Probation report, the Bomet District Probation officer indicates that the community has calmed down and that the process of reconciliation has started taking place. It is also pointed out that the accused's family have offered to compensate the victim's family to promote the healing process. The accused's wife is said to have deserted the matrimonial home after the incident leaving behind two young children who are currently under the care of their grandmother. There are indications that the accused upon release will have to undergo cleansing ceremonies as per the Kipsigis customs and rites. The accused was a close friend and relative to the deceased. He is also a young person aged 29 years or thereabout. The Probation officer recommended a non-custodial sentence. After a careful consideration of various factors I am convinced that the most appropriate sentence in the circumstances of this case should be non-custodial. This will enable the accused undergo the cleansing ceremonies and to expedite the healing process and reconciliation.

In the end, I hereby order that the accused person be released from custody and further order that he serves three (3) years Probation under the supervision of the Probation Officer, Bomet. During the Probation period, the accused should exhibit good behavior.

Dated, signed and delivered in open court at Kericho this 14th day of August, 2013.

J.K. SERGON

JUDGE