Rono v Republic (Criminal Appeal E061 of 2024)
[2025] KEHC 10986 (KLR) (24 July 2025) (Judgment)

Neutral citation: [2025] KEHC 10986 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAKURU

CRIMINAL APPEAL E061 OF 2024

JM NANG'EA, J

JULY 24, 2025

BETWEEN

KENNDY RONO .... APPELLANT

AND

REPUBLIC .... RESPONDENT

JUDGMENT

Determination

1. The proceedings before the lower court do not indicate the language used. This was an erroneous omission on the part of the trial court. It is, however, shown that the Appellant was able to reply to the charges and even offered his mitigation statement pleading for pardon on the ground that he was drunk when he committed the offence. No prejudice was therefore occasioned to the Appellant by the failure to indicate the language used in the trial.

2. Whereas, therefore ambiguity in the language used in plea taking may render the plea equivocal as observed in *Diriye vs Republic* (Criminal Appeal No. 115/2020 (2022) KECA 24 relied upon by the Appellant, the Appellant herein appears to have understood the charges and answered them appropriately.

3. The facts of the case were properly read out to the Appellant which he confirmed and maintained his plea of guilty. I concur with the Prosecution Counsel that the Appellant was lawfully convicted in the circumstances. The court did not have to warn the Appellant of the consequences of pleading guilty since the sentenced prescribed for the offences are not severe as will be shown hereafter.

4. Regarding the sentences meted out, the Prosecution concedes they are manifestly harsh. According to the Republic, credit should have been given to the Appellant for pleading guilty, thus saving judicial time. It is therefore suggested that the long prison sentences imposed be reduced.

5. As pointed out by the Prosecution Counsel, the offences of threatening to kill contrary to Section 223(1) of the *Penal Code* and Injuring an animal contrary to Section 338 of the same *Code* attract maximum prison terms of 10 (ten) years and 14 years on conviction respectively. The sentence of 20 (twenty) years imprisonment meted out against the Appellant on the first count is therefore not only harsh or excessive but also illegal. The sentences on count two is however, lawful, although rather stiff in the circumstances.

6. The Appellant claims to have since reconciled with the complainant who is his mother. The court cannot confirm the fact having not heard the complainant.

7. As observed by the Prosecutor, credit should have been given to the Appellant for pleading guilty early in the proceedings thereby saving precious judicial time. It is also taken into account that the complainant is the offender's mother.

8. Further noting that the Appellant has been in prison for over a year now, I find that the period is sufficient punishment. He is ordered discharged and set at liberty unless otherwise lawfully held.

J. M. NANG'EA, JUDGE.

JUDGEMENT DELIVERED THIS 24TH DAY OF JULY, 2025.

In the presence of:

Mr Wakasyaka for the Director of Public Prosecutions.

Appellant, present

Court Assistant (Jeniffer).

J.M. NANG'EA, JUDGE.