



**Republic v Rotich (Criminal Case E026 of 2024)
[2025] KEHC 12965 (KLR) (18 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12965 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E026 OF 2024
JK SERGON, J
SEPTEMBER 18, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

ROBERT ROTICH ACCUSED

RULING

1. Robert Rotich the Accused herein, pursuant to a plea bargaining agreement was convicted with the offence of manslaughter contrary to section 202 as read with Section 205 of the Penal Code Cap 63 Laws of Kenya. The particulars of the offence are that, the accused on the 30th day of September, 2024 at G.K Main Prison Kericho in Kericho East Sub County within Kericho County, unlawfully killed Anderson Kipkurui Korir.
2. Upon convicting the accused person for the aforesaid offence, this court directed the county probation officer to file a pre-sentence report and also invited the accused to make submissions in mitigation to guide the court in determining the appropriate sentence to be meted out.
3. Mr. Munga, the Learned Counsel for the Accused, filed written submissions in mitigation, he submitted that the accused was deeply remorseful for the events that culminated in the demise of the deceased. He maintained that on the material day, the accused was provoked to anger. The Learned Counsel submitted that the accused is a first offender and therefore urged this court to exercise leniency during sentencing and consider a non-custodial sentence which would afford the accused the opportunity to provide for his family as he was the sole breadwinner.
4. M/s Maundu, the Learned Assistant Director of Public Prosecutions, stated that the accused attacked the deceased without provocation and therefore in the circumstances a severe and deterrent sentence was appropriate.



5. This court also called for a pre-sentence report. I have considered the pre-sentencing report prepared and filed by the Kericho County – Probation Officer in respect of the accused person.
6. In the aforesaid report, it is noted that the offender has a young family that depends on him as the sole breadwinner. The offender was serving a short term custodial sentence having been convicted with the offence of dealing with alcoholic drinks. The instant offence happened while he was almost completing a short term custodial sentence.
7. On the material day, it is reported that the offender assaulted the victim on the head using a stick culminating in the demise of the victim.
8. The offender is deeply remorseful for the offence and alluded to the fact that there was no misunderstanding or quarrel subsisting prior to the commission of the instant offence.
9. The family of the offender had reached to the family of the victim and initiated reconciliation.
10. The family of the victim were disgruntled with the victim who was facing a murder charge against his mother having assaulted her with a stick, they alluded that the victim was violent and had antisocial tendencies. In their opinion the offender was a victim of circumstance and therefore urged the court to exercise leniency during sentencing.
11. The offender has strong ties in the community and the local administrator urged the court to consider a non-custodial sentence, as the home environment was conducive, the offender was the primary breadwinner and therefore plays a pivotal role towards the stability of his family.
12. Based on the findings of the social inquiry and assessment, the probation officer further noted the recommendation by the prison administration on the offender's good behaviour while in custody and the social inquiry which indicated low levels of recidivism. The probation officer therefore recommended that the offender be placed under supervision on a two year probation sentence and to undergo counselling on anger and emotional management.
13. This court has considered that the accused person was arrested soon after committing the instant offence, he was arraigned in court and subsequently remanded. The accused made an application for reasonable bail/bond terms, the accused was granted a bond of Kshs. 200,000/= with a surety of similar amount, however, there is no indication that the offender was subsequently released, the offender has therefore been in custody for almost one year.
14. I have considered the circumstances of the offence, submissions in mitigation and have further considered the contents of the pre-sentence report filed by the county probation officer in respect of the accused person. Consequently, I hereby sentence the Accused namely; Robert Rotich to serve 10 years imprisonment.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 18TH DAY OF SEPTEMBER, 2025

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J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Prosecutor - Ogutu

Accused – Present in Person



Munga for the Accused

