



REPUBLIC OF KENYA



**Republic v Rono (Criminal Case E019 of 2020)
[2023] KEHC 893 (KLR) (10 February 2023) (Sentence)**

Neutral citation: [2023] KEHC 893 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E019 OF 2020
AN ONGERI, J
FEBRUARY 10, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

VITALIS KIPLANGAT RONO ACCUSED

SENTENCE

1. The Accused Person was initially charged with Murder Contrary to Section 203 as read with Section 204 of the *Penal Code*.
2. The charge was subsequently reduced to Manslaughter following a plea bargain agreement and the Accused Person pleaded guilty to the charge of Manslaughter Contrary to Section 202 as read with Section 205 of the *Penal Code* and he was convicted on his own plea of guilty.
3. The particulars of the charge are that on December 21, 2020 at Motosiet village, Kapsoit Sub-Location, Kericho East Sub-County, the Accused Person unlawfully, killed Dominic Kibet Rono.
4. The facts of the case as given by the Prosecution Counsel were as follows: -

"On the 21st day of December, 2020 at around 2000hrs, the deceased arrived home from a drinking spree and went to his father's house and slept on the sofa set. His father who was also drunk was asleep in the other room in the same house.

At around 2300 hrs., his younger brother arrived home drunk and found his elder brother now the deceased sleeping on the sofa in their father's house.

The two brothers picked up a quarrel over unknown issues which escalated to a fight.

The commotion attracted the attention of their sister who was asleep in a separate house. She came out to find the brothers fighting. They then got hold of the Accused Person and



pushed him outside the house in a bid to stop the fight and went to call her other brother who was in his house about 200 meters from their parents' house.

The Accused then picked a piece of wood and used it to assault the deceased twice on the head and he felled down bleeding profusely. On realizing that he had harmed the deceased, he ran out of the house shouting that he had killed and disappeared into the darkness.

The sister and the brother on coming back found the deceased lying on the sofa with blood on the sofa. There was also a piece of wood which is believed to have been used during the fight.

The Accused went and surrendered himself at Kapsoit Police Station where he was arrested and locked in the cells awaiting completion of investigation.

On the 28th day of December, 2020, Postmortem was conducted on the body of the deceased by Doctor Wesley Rotich at Kericho County Referral Hospital and formed the opinion that the cause of death was as a result of severe head injury due to trauma to the head by a blunt object.

During interrogations, the Accused was very remorseful and indeed admitted having committed the act but said that he did not intend to harm the deceased.

After completion of investigations, the Accused who had been arrested by Officers from Kapsoit Police Station was transferred to DCI Kericho and charged with the offence of Murder Contrary to Section 203 as read with Section 204 of the Penal Code which has now been reduced to Manslaughter Contrary to Section 202 as read with Section 205 of the Penal Code pursuant to this agreement.

5. The Learned Counsel for the Accused told the Court in mitigation that the Accused Person is a young man and a father of two children who are still minors.
6. Further that the Accused Person is remorseful for the offence he committed. The Deceased was brother to the Accused Person who was always causing trouble and who had been admitted at Shikusa Borstal Institution.
7. The Accused Person said he did not intend to kill his brother and further if he did not take steps to defend himself, he would have been killed by the deceased.
8. The Probation Officer filed a Social Inquiry Report on December 13, 2022 detailing the social background of the Accused Person. The Accused Person is a school drop out of school in class 7 due to lack of proper parental support.
9. The Court has taken into account the mitigating circumstances of this case especially the fact that the Accused Person is remorseful for the offence he committed.
10. The offence of Manslaughter is a very serious one which calls for life imprisonment.
11. Taking into account the mitigating circumstance of this case, the Accused Person is sentenced to 20 years imprisonment.
12. The sentence to start running from December 31, 2020.
Right of Appeal against sentence – 14 days (Explained).

Delivered, dated and signed at Kericho this 10th day of February, 2023.

A. N. ONGERI



JUDGE

