



Republic v Rono (Criminal Case 8 of 2018) [2023] KEHC 3995 (KLR) (4 May 2023) (Sentence)

Neutral citation: [2023] KEHC 3995 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE 8 OF 2018**

JK SERGON, J

MAY 4, 2023

BETWEEN

REPUBLIC PROSECUTOR

AND

HILLARY KIPROTICH RONO ACCUSED

SENTENCE

1. Hillary Kiprotich Rono was arraigned before this court to face a charge of murder contrary to section 203 as read with section 204 of the *penal code*.
2. After undergoing a full trial, the accused was instead convicted for the offence of manslaughter. Before sentencing this court called for a pre-sentence probation report and further invited the accused to submit facts in mitigation. It is the submissions of Miss Koech learned advocate for the accused that the accused is remorseful. The learned advocate further stated that it has been difficult to reconcile the families of the victim and that of the accused.
3. This court was urged to pronounce a non-custodial sentence. Mr. Musyoki, learned Assistant Director of Public Prosecutions urged this court to treat the accused as a first offender since he did not possess his past criminal record. He also asked this court to take note the accused underwent a full trial before being convicted.
4. I have further considered the pre-sentence probation report in which it is indicated that he is remorseful and regrets what happened. The report further indicates that the deceased's family are opposed to the accused being given a non-custodial sentence until the reconciliation and cleansing rituals are done. It is also stated in the report that the community is not opposed to the accused being released back to community. In the Pre-sentence report it is also indicated that the accused is remorseful and regrets the offence. It is recommended that a non-sentence may be meted out.
5. After considering the accused's submissions in mitigation and the pre-sentence report I am of the opinion that the appropriate in this case should be non-custodial.



6. I hereby sentence the Accused Person namely: Hillary Kiprotich Rono to serve two (2) years probation under the supervision of the County Probation Officer, Kericho County.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 4TH DAY OF MAY, 2023

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J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Musyoki for the State

Accused Person – Present in Person

