



**Republic v Rop (Criminal Case 30 of 2016)
[2023] KEHC 22480 (KLR) (21 September 2023) (Sentence)**

Neutral citation: [2023] KEHC 22480 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE 30 OF 2016
JK SERGON, J
SEPTEMBER 21, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

DENNIS KIPLANGAT ROP ACCUSED

SENTENCE

1. Dennis Kiplangat Rop the Accused herein, was charged and convicted with the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#) Cap 63 Laws of Kenya. The particulars of the offence are that on September 5, 2016 at Kapsoit Centre within Kericho County, the Accused murdered Ashleen Chepchumba.
2. Upon convicting the accused 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 Nyadimo Learned Counsel for the Accused, submitted that the Accused is remorseful for commission of the offence and that the deceased was his only child. He further submitted that the accused is a first offender and have been in custody since his arrest in 2016. He therefore urged the court to exercise leniency.
4. Mr Musyoki Learned Assistant Director of Public Prosecutions on his part submitted that the accused does not deserve leniency and further that the accused did not show any remorse throughout the trial, yet he had killed a defenseless child aged five (5) months. Finally the Learned Assistant Director of Public Prosecutions submitted that this court should mete out a deterrent sentence.
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 dated July 20, 2023. In the aforesaid report it is noted that the accused completed his elementary education but did not proceed to high school for



lack of school fees, he remained home assisting his parents in doing light menial work and thereafter started working as a boda boda rider operating within Kapsoit area. The accused was cohabiting with the deceased's mother Faith Chemutai and the deceased was their firstborn child. The accused also conceded to imbibing alcohol drinks but he did not abuse any drugs and/or illegal substances.

6. The accused gave an account of the circumstance of the offence, that on the material night he responded to a call from his wife regarding their sick child, and that it was late in the evening when he arrived at the wife's home, on arrival as the wife tried to explain the condition of their child he forced his way and took physical custody of the child and left with her and that the following morning he discovered that the child had passed on, he was arrested soon afterwards and charged. The accused was remorseful for commission of the offence, blamed his state of mind and conceded that he was not sober. The accused beseeched the court to exercise leniency during sentencing.
7. The family of the offender regretted the commission of the offence, they attributed it to the accused's drinking habit which had impaired his judgment. The accused's father pointed out that he cancelled bond for the offender after he failed to attend court severally as required. The family was willing to receive him back home and ready to support him to reform.
8. The family of the deceased stated that the offender's relatives had reached out and pleaded for forgiveness and in any event the deceased's mother got married elsewhere and has three (3) children. The deceased's mother and her relatives were therefore not opposed to a non-custodial sentence.
9. The local administrator stated that the offender was a member of his jurisdiction and cited drunkenness as the major cause of the accused's violent behavior, he maintained that the offender's family and the wife's relatives needed to have a say as to how the offender should be treated, he however was not opposed to a non-custodial sentence.
10. The county probation officer while highlighting the accused's past criminal record when he was convicted for creating disturbance, his violent nature whenever he gets drunk and how drunkenness had impaired his judgment which had further compromised the health of the deceased and ultimately led to her demise, the county probation officer deemed the accused to be an irresponsible individual who needs to reform from prison. The county probation officer was in favour of a deterrent sentence and therefore recommended a custodial sentence subject to the court's discretion.
11. The accused was arrested on September 5, 2016, two months later, on November 9, 2016 he was released on bond. On July 20, 2020 this court released the surety and the accused was subsequently remanded to custody. I have considered that the accused has been in custody for a period of three (3) years, four (4) months during trial.
12. Having considered the circumstances of the offence, submissions in mitigation and having further considered the findings in the pre-sentence report, it is apparent that in the circumstances of this case that a custodial sentence is appropriate.
13. Consequently, I hereby sentence the Accused namely: Dennis Kiplangat Rop to serve 15 years imprisonment.

Dated, signed and delivered at Kericho this 21st day of September, 2023

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J. K. SERGON

JUDGE

In the presence of:



C/Assistant – Rutoh

Prosecutor – Mr Musyoki

Convict – Present in Person

Nyadimo for the Accused

