



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO.1 OF 2019

REPUBLIC.....PROSECUTION

VERSUS

VINCENT CHERUIYOT RONO.....ACCUSED

SENTENCE

1. The Accused person in this case, VINCENT CHERUIYOT RONO (hereafter referred to as the Accused person) was charged with murder contrary to section 203 as read with section 204 of the Penal Code which offence was reduced to manslaughter contrary to section 202 as read with section 205 of the Penal Code following a successful plea bargain agreement signed by the Accused person on 17/11/2020.

2. The particulars of the charge of Manslaughter were that on 22/12/2018 at KIPSIGORI Village in KAPSAOS sub-location, Ainamoi Division of Kericho East Sub-county within Kericho County, the Accused person unlawfully killed JOSPHAT KIPLIMO SITONIK.

3. The fact as given to the court by the prosecuting counsel were as follows;

On 22nd day of December 2018 at around 3.00pm, the accused person went to take alcohol at a changaa den situated in the home of one Philemon Kipkurui aka “Mwangi”.

On reaching there, he paid “Mwangi” Kshs.60 debt which was for changaa that he had previously consumed on credit and ordered for changaa worth Kshs.40 when he went to sit down to drink his changaa, he noticed that he sat opposite his uncle, the deceased. The deceased greeted him and asked him to buy him changaa.

The accused person replied him by telling him that he did not have money to buy him changaa on that day.

The deceased started shouting at the accused insisting that he should buy him changaa. The people who were there taking changaa together with “Mwangi” interjected and managed to eject him from the changaa den.

The accused then finished taking his drinks and decided to leave for home. On his way home, he met the deceased along a foot path and when the deceased saw him, the deceased confronted him and asked him why he refused to buy him changaa, at mwangi’s place ye he normally buys him changaa. The accused replied him that he did not have money and passed the deceased.

The deceased got annoyed and grabbed him from the back of his shirt and when the accused person turned around to face him, the deceased punched him on his face. The accused in turn removed a dropper pole that was being used for fencing and used it to hit the deceased on his head causing him to fall down and became unconscious. The accused saw one of the neighbours who was attracted by the commotion approach the scene and fled from the scene. The neighbour then pursued him.

Other neighbours arrived at the scene and the women started screaming while others joined the chase for the accused person. They caught up with the accused person and beat him up before handing him over to the area chief who by then had arrived at the scene.

The villagers rushed the deceased to Kericho District Hospital while village elders escorted the accused to Chagaik police patrol base.

The deceased was pronounced dead on arrival at Kericho district hospital and was taken to the hospital mortuary where a post mortem was conducted by Dr. Koech who formed the opinion the cause of death was massive haemothorax and severe head injury.

The accused was 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 the offence of Manslaughter Contrary to Section 202 as read with section 205 of the penal code.

4. The probation officer filed a Presentence Report dated 9/6/2021 in which it is stated that the Accused person is aged 22 years old and regrets the incident and says he did not know it would lead to the demise of his uncle.
5. The Defence counsel in mitigation told the court that the Accused person was intoxicated at the time of the commission of the offence and further that he committed the offence under provocation and that the Accused person is a first offender.
6. The offence the Accused person committed is a serious one and calls for life imprisonment.
7. However taking into account the circumstances of the offence especially the fact that both the Accused person and the deceased were intoxicated at the time of the incident and further that the Accused person has pleaded guilty and save the court's time for trial, and reconciliation between their families, this courts find that there is reason to be lenient to the Accused person.
8. The Accused person is accordingly sentenced to five (5) years imprisonment.
9. The sentence to start running from 10/1/2019 when the Accused person was first arraigned in court.
10. The Accused person has a right of appeal to the court of Appeal only against sentence. (Right of appeal 14 days explained to the Accused person)

DELIVERED, DATED AND SIGNED AT KERICHO THIS 9TH DAY OF JULY 2021.

A. N. ONGERI

JUDGE