



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KERICHO**

**CRIMINAL CASE NO. 25 OF 2018**

**REPUBLIC.....PROSECUTOR**

**- V E R S U S -**

**MICHAEL CHERUIYOT ROTICH.....ACCUSED**

**SENTENCE**

1. The Accused Person was charged with Murder Contrary to Section 203 as read with Section 204 of the Penal Code.
2. The charge was reduced to one of manslaughter Contrary to Section 202 as read with Section 205 of the Penal Code following a successful plea bargain agreement entered into by the parties.
3. The facts of the charge were that on 7/10/2018, the Accused Person was quarrelling with a Lady called Caren Kimeto at Adson Rental Houses at 9 p.m when the Deceased who was the Caretaker intervened and with the help of neighbours pushed the Accused Person out of the rental residential area.
4. The Accused told the Deceased that "I know you and we shall meet".
5. At 10 p.m. the same day the Deceased was stabbed to death and the Accused was arrested and found with blood stains on his trouser and shirt.
6. The body of the Deceased was taken to Kericho district Hospital Mortuary and a Post Mortem conducted which stated that the Deceased died as a result of hemorrhagic shock secondary to massive left side haemothorax.
7. The Accused was charged with Murder Contrary to Section 203 as read with Section 204 of Penal Code which has now been reduced to Manslaughter Contrary to Section 202 as read with Section 205 Penal Code.
8. The Accused Person pleaded guilty and was convicted on his own plea of guilty and in mitigation the Court was told that the Accused Person is remorseful and further that he is seeking leniency as he has a wife and children and he is the sole bread winner of his family.
9. The Court was further told that the offence was unintentional and that the Accused Person promises never to repeat it again.
10. The Pre-Sentence Report filed by the Probation Officer stated that the family of the Deceased is still bitter and they are not ready to reconcile with the Accused Person.
11. The sentence for Manslaughter provided under Section 205 of the Penal Code is life imprisonment.
12. This Court has taken into account the fact that the Accused Person pleaded guilty to the lesser charge of Manslaughter.
13. The Accused Person killed an innocent man and he deserves to be punished. Human life is sacred and it must be protected and respected.
14. Taking into account the mitigating circumstances and especially the fact that the Accused Person is remorseful, I sentence the Accused Person to 30 years imprisonment.

Right of Appeal 14 days explained to the Accused Person.

**Delivered, Dated and Signed at Kericho this 6th Day of October, 2020**

A.N. ONGERI

JUDGE