

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 11 OF 2018

REPUBLIC.....PROSECUTOR

VRS

PETER KIPROTICH RONO.....ACCUSED

SENTENCE

1. The accused has been convicted of the offence of manslaughter contrary to section 202 as read with section 205 of the Penal Code after entering into a plea bargaining agreement with the State.
2. The State through Mr. Ayodo said they had no previous conviction and he is accordingly treated as a first offender. This court ordered the filing of a presentence report which was filed by the Kericho Sub-county Probation Officer, Mr. Daniel Ngetich, which recommends a probation sentence. In mitigation, counsel for the accused Mr. Sang said that the accused was remorseful and regretted the death of the deceased. Counsel said that the deceased was the aggressor and that the accused had no intention of cutting the deceased's life short. He asked for leniency and a probation sentence.
3. I have considered the mitigating factors above and that the deceased was the aggressor who went to the accused's house at night and though the accused tried to persuade him to go home so that they come and talk the issues raised by the deceased the next day the deceased forcibly pushed open the accused's house door and started a fight. The accused also did not use a lethal weapon but a wooden stick to hit the deceased. In my view, this is a case that justifies a lenient sentence, though the maximum sentence for manslaughter is life imprisonment.
4. The accused has been in custody since June 2018 when he was charged, which is more than one (1) year now. He is 31 years old. In my view, in the circumstances of this case, the period the accused has been in custody for more than one (1) year is adequate punishment
5. He will thus be discharged from custody unless otherwise lawfully held.

Dated and delivered at Kericho this 12th day of November 2019.

George Dulu

JUDGE