

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAROK

CRIMINAL CASE NO. 42 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

GILBERT KIPKEMOI BORE.....1ST ACCUSED

SIMON CHERUIYOT BORE.....2ND ACCUSED

JUDGEMENT ON SENTENCE

1. I convicted both accused of the offence of manslaughter on 18/10/2018. The issue before me now is one of the appropriate sentence to be imposed upon the accused.

2. I find that the accused are first offenders. I also find that the deceased was their brother. I further find that they have been in custody since December 2017. I also find that there was a dispute over the return of the mobile phone, which the 1st accused had sold to the deceased for shs.500/=

3. Mr. Kambo for the 1st accused submitted that the 1st accused was 22 years old. He has three primary school going children. He has also submitted that he is the sole breadwinner of his family and is a boda boda rider.

4. In respect of the 2nd accused, Mr. Kambo submitted that he has 6 school going children and that he is the sole breadwinner of the family. As regards his age, Mr. Kambo submitted that he is aged about 42 years.

5. However, I find that the 26 year old life of the deceased has been lost. I also find that there was one cut wound on the left upper chest of the deceased which caused his death.

6. After taking into account the mitigation of both accused and the fact that they have been in custody since 22/12/2017, I find that the appropriate sentence is eight (8) years imprisonment, which I hereby impose pursuant to section 322 (2) of the Criminal Procedure Code (Cap 75) Laws of Kenya.

Judgement delivered in open this 12th day of November, 2018 in the presence of Mr. Omwega for the state and Mr. Kambo for the accused.

J. M. Bwonwonga

Judge

12/11/2018