

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 17 OF 2011

REPUBLIC.....PROSECUTOR

VERSUS

DAVID KIPRONO CHERUIYOT.....ACCUSED

SENTENCE

Pursuant to the plea agreement dated 28th January 2014, **David Kiprono Cheruiyot** was convicted on his own plea of guilty for the offence of manslaughter contrary to **Section 202** as read with **Section 205** of the Penal Code. Before sentencing, this court invited Mr. Maengwe learned Defence Counsel to make submissions in Mitigation and further called for a probation report of the accused.

I have considered the facts outlined in Mitigation and the Probation Report on the accused. It is apparent from the facts outlined that the accused is a first offender. The victim was his wife who passed on leaving behind four children. The accused appears to be the only bread winner who did Masonary work before he was arrested. The accused is remorseful who claims to have converted to Christianity while in custody. The accused has been in custody for about three years. The report officer, Bomet County has recommended the accused to be placed on probation since the home environment is conducive and is receptive to the accused. After a careful consideration of the above factors, I am convinced the accused should be given a non-custodial sentence. This will hasten the accused's rehabilitation and re-intergration into the community. There are also overtures to have the victim's family and that of the accused to be reconciled. That can be made possible if the accused served a non-custodial sentence. Consequently, I order the accused to be released from custody to serve two years probation under the supervision of the Bomet County Probation Officer. During this period, the accused must exhibit good behaviour.

Dated, signed and delivered in open court this 17th day of March, 2014.

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J.K.SERGON

JUDGE

In the presence of:

Mr. Siele Sigira for Accused

Miss. Kivali for Director of Public Prosecution