



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

**CRIMINAL CASE NO. 40 OF 2011**

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**GEOFFREY KIPRONO CHIRCHIR.....ACCUSED**

**RULING ON SENTENCE**

The accused was initially charged with Murder which was later reduced to Manslaughter after a plea bargaining arrangement.

The circumstances of the case are clear from the facts. Even if there was a misunderstanding between the deceased and the accused the former did not attack the latter. The force used by the accused was excessive and uncalled for.

The accused has been in custody since **September, 2011** a period of three (3) years.

The report by the Probation officer is favourable to the accused person, though the deceased's family is still not happy especially after the accused's family's failure to compensate them. However, what I pick from the report of the Probation officer is that the deceased's sister was or is the wife of the accused. The deceased was therefore a brother-in-law of the accused person.

I have considered the circumstances of the case; the period the accused has been in custody; the information in the report by the Probation officer and the relationship between the accused and the deceased.

I find a sentence of 3½ years to be appropriate. The sentence will be served as follows:

- 1. The first eighteen(18) months will be served in Prison (imprisonment).*
- 2. The remaining twenty four(24) months on Probation.*
- 3. The conditions are well explained to the accused.*

**Dated, signed and delivered this 14<sup>th</sup> day of November, 2014**

**H.I. ONG'UDI**

**JUDGE**

**In the presence of**

M/S Munyolo for State

Motanya for accused

Accused

Rotich – Court Assistant