



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 38 OF 2012**

**REPUBLIC ..... PROSECUTOR**

**VERSUS**

**HILLARY CHERUIYOT KIRUI ..... ACCUSED**

**RULING ON SENTENCE**

The accused was initially charged with the offence of Murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. The same was reduced to Manslaughter contrary to **Section 202** as read with **Section 205** of the **Penal Code** after a plea bargaining arrangement. The accused was then convicted of Manslaughter.

The facts give the circumstances leading to the commission of the offence, which were very unfortunate. The deceased and accused were brothers. The deceased had attacked their mother, boxed her and even poured out food that was being cooked. The accused is said to be 22 years old. A social inquiry report was filed by the **Probation Officer Kericho Isaac K. Rotich** on **22<sup>nd</sup> October, 2014**. It shows that the clan and family are ready to receive the accused back into the Community and prepare for the reconciliation and cleansing process.

I have also noted from the report the sentiments of the deceased's wife who has four children by the deceased. The clan and family are urged to ensure that the family supports this widow and children of the deceased. They are innocent victims of the offence.

I also note that the accused has been in custody for two years. Considering this and the fact that the deceased and accused were brothers, I will give a chance for the reconciliation process to take place.

The accused will serve three (3) years on Probation. The conditions are explained to the accused.

**Dated, signed and delivered in open court this 10<sup>th</sup> day of November, 2014**

**H.I. ONG'UDI**

**JUDGE**

**In the presence of:**

M/S Munyolo for State

Mr. Onganyi for accused

Rotich – Court Assistant