



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
CRIMINAL CASE NO. E039 OF 2023

REPUBLIC

..... **ODPP**

-VERSUS-

TITUS KIPRONO ROTICH.....
CONVICT

SENTENCING

1. The Convict herein pleaded guilty to the lesser offence of **Manslaughter Contrary to Section 205 of the Penal Code** after initially being charged with **Murder Contrary to Section 203** as read with **Section 204 of the same Code**. This was the culmination of plea bargain between the Director of Public Prosecutions and the Convict pursuant to the provisions of **Section 137A of the Criminal Procedure Code**. The Convict had

been charged that on 19th August 2023 at Salgaa Centre, Rongai Sub-County, he murdered **Meldezek Nyangwencha**.

2. In her written mitigation submissions, the defence Counsel (**Ms Oseko**) tells the court *inter alia* that the convict is 34 and was a mason who supported his parents and siblings. The deceased is said to have caused the death owing to provocation after finding his wife with the deceased. The court is referred to various judicial determinations including the case of **Ambani V. Republic** where it was observed that in sentencing courts should be guided by the particular circumstances of every case. The case law restates the requirement of the law that a sentence must be commensurate with moral blameworthiness of the offender.
3. Urging the court to consider a non-custodial sentence, Counsel also wants her client to be given credit for entering into the plea bargain. Counsel further pleads that the Convict is remorseful and has reached out to the deceased's family for reconciliation.
4. Were the court to mete out a custodial sentence, I am urged to take into account the period the offender has already spent in custody and all other relevant factors

stated in the Supreme Court's decision in **Francis Karioko Muruatetu & Others V. Republic, Petition No. 15 Of 2015** that include the character, remorsefulness and antecedents of the offender.

5. The Prosecution Counsel (**Mr Wakasyaka**) acknowledges that the offender has no previous criminal records and is entitled to credit for pleading guilty thereby saving judicial time and costs. The Prosecution, however, thinks that a custodial sentence is appropriate for the gruesome killing for deterrence.
6. The Probation Officer's pre-sentence report dated 10th February, 2026 indicates that the family of the deceased was willing to reconcile with the Convict but the latter's family was not responsive. The deceased's family complains of losing a bread winner and someone who also assisted his parents with farm work. The community from which the convict hails positively appraises him as one who was not known to commit crimes. The Probation Officer does not recommend a specific sentence.
7. I have considered the submissions against the applicable principles of sentencing and the operational Judiciary Sentencing Guidelines 2023. It is noted that

the offender is youthful at 28 and has no criminal antecedents as noted in the Probation Officer's Report which information was confirmed by the Prosecutor. He had agreed to enter into the Plea Agreement among other mitigating circumstances.

8. The circumstances in which the victim's death occurred were indeed gruesome as the deceased sustained multiple cuts using a panga resulting in his death. This is another relevant factor the court should take into account.
9. Having considered all the relevant factors, I concur with the prosecution Counsel that a custodial sentence is imperative to better deter the offender. While I appreciate the stated mitigating circumstances, the accused perpetrated a vicious attack against the deceased which requires deterrence.
10. Doing the best I can in balancing the interests of justice, I sentence the offender to 10 (ten) years imprisonment which commences from the date of his arraignment in court on 5th October 2023 pursuant to the provisions of **section 333 of the Criminal Procedure Code**. He has 14 days to appeal the sentence only.

11. Sentence imposed accordingly.

J. M. NANG'EA, JUDGE.

Ruling delivered this 23rd Day of April, 2026 in the presence of:

The Prosecution Counsel, Mr Wakasyaka.

The Defence Counsel, Ms Oseko.

The Convict, present.

The Court Assistant, Mr Ng'eno.

J. M. NANG'EA, JUDGE.