



REPUBLIC OF KENYA



**Republic v Rono (Criminal Case E048 of 2023)
[2025] KEHC 9225 (KLR) (24 June 2025) (Sentence)**

Neutral citation: [2025] KEHC 9225 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E048 OF 2023**

JM NANG'EA, J

JUNE 24, 2025

BETWEEN

REPUBLIC PROSECUTION

AND

DUNCAN KIPCHIRCHIR RONO ACCUSED

SENTENCE

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](#).
2. In her written mitigation submissions the defence Counsel [Ms Odhiambo] tells the court inter alia that the convict is 34 , married and has young children, one of whom is school going. The deceased is said to have caused the death owing to drunkenness which state the deceased was also in. The court is referred to the judicial determination in Nakuru Criminal Appeal No. 55A of 2017, *Aaron Lang'at v Republic* [Unreported] where the Court of Appeal observed that an offender's youthful age and drunkenness are factors that may influence sentencing in the particulars circumstances of every case before the court.
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 reconciled with the deceased's family in the traditional way.
4. Owing to the Convict's remorse and the reconciliation by the parties, a non-custodial, preferably a Probation sentence, is suggested to facilitate counselling. In support of this sentence, I am referred to case law in [State v Oloo & 2 Others](#) [Criminal case No.E020 of 2018] {2022}KEHC 10093[KLR]



- [17 May 2022][sentence] where in more or less similar circumstances non-custodial sentences were favoured to help the offender to make amends and re-integrate into the community.
5. 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.
 6. The Prosecution Counsel [Ms Sang] acknowledges that the offender has no previous criminal records and is entitled to credit for pleading guilty thereby saving time and costs. Counsel acknowledges that reconciliation process between the two families has been initiated but it is not concluded as noted in the Probation Officer's report. The Prosecution therefore thinks that a custodial sentence is appropriate for the gruesome killing for deterrence. The Republic contends that even if the deceased was drunk at the material time, that was no justification for the killing. A 10-year imprisonment term as proposed in the filed Plea Agreement is recommended in the circumstances taking into account that human life was lost.
 7. The Probation Officer's pre-sentence report dated 06/03/2025 indicates that the families of the offender and the deceased have agreed to reconcile but the process is not complete according to the Probation Officer. Whereas it is thought that a non-custodial sentence would be appropriate in the circumstances, the Probation Officer is reluctant to make the recommendation for the reason that the convict is serving out another custodial sentence. The previous conviction and custodial sentence for assault has been confirmed by the defence Counsel who further conveys that the convict has since been released on Presidential pardon.
 8. 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 34 and has criminal antecedents as noted in the Probation Officer's Report which information was confirmed by the convict. He is also reconciling with the deceased's family and had agreed to enter into the Plea Agreement among other mitigating circumstances.
 9. The circumstances in which the victim's death occurred were indeed gruesome as the deceased was cut on the neck with a panga resulting in bleeding and death. This is another relevant factor the court should take into account.
 10. 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. A non-custodial sentence is not appropriate owing to the previous conviction of the offender.
 11. Doing the best I can in balancing the interests of justice, I sentence the offender to twelve [12] years imprisonment which commences from the date of his arraignment in court on 19th December 2023 pursuant to the provisions of section 333 of the *Criminal Procedure Code*. He has 14 days to appeal the sentence only.
 12. Sentence imposed accordingly.

J. M. NANG'EA, JUDGE.

RULING DELIVERED THIS 24TH DAY OF JUNE, 2025 IN THE PRESENCE OF:

The Prosecution Counsel, Mr Wakasyaka.

The Defence Counsel, Ms Odhiambo.



The Convict, present.

The Court Assistant, Mr Ng'eno.

J. M. NANG'EA, JUDGE.

