



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 42 OF 2012

REPUBLICPROSECUTOR

VERSUS

PHILIP KIPNGENO KIRUI.....1ST ACCUSED

PHILIP KIMUTAI KOSGEI2ND ACCUSED

JOSEPH KIPRONO KOSKEI3RD ACCUSED

RULING ON SENTENCE

1. All the accused persons were initially charged with the offence of Murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. The offence was later reduced to Manslaughter after a plea bargaining arrangement.
2. The circumstances giving rise to commission of this offence are clearly stated in the facts.
3. The accused persons clearly set out and armed themselves with crude weapons which they used to beat up the deceased and fatally injured him.
4. None of the accused persons was injured by the deceased. This means their attack on him was uncalled for.
5. I have considered the social inquiry reports filed herein in respect of each accused, and the fact that the accused persons had been drinking.

I also consider the fact that the accused persons have been in custody for two(2) years each.

Order

They will each serve five(5) years imprisonment.

Dated, signed and delivered this 19th day of December, 2014

H.I. ONG'UDI

JUDGE

In the presence of :

M/S Njenga for State

Mr. Koskei for Accused - present

All Accused – present in person

Lagat – Court Assistant

Interpretation – English/Kipsigis



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