



**Republic v Langat & 3 others (Criminal Case 1 of 2017)  
[2024] KEHC 13239 (KLR) (31 October 2024) (Sentence)**

Neutral citation: [2024] KEHC 13239 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
CRIMINAL CASE 1 OF 2017  
JK SERGON, J  
OCTOBER 31, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**DICKSON KIPKURUI LANGAT ..... 1<sup>ST</sup> ACCUSED**

**JOSEPHAT KIPRONO NGENO ..... 2<sup>ND</sup> ACCUSED**

**BENARD KIPKOECH MUTAI ..... 3<sup>RD</sup> ACCUSED**

**MARTIN KIMUTAI ROP ..... 4<sup>TH</sup> ACCUSED**

**SENTENCE**

1. Dickson Kipkurui Langat, Josephat Kiprono Ngeno, Bernard Kipkoech Mutai, Martin Kimutai Rop the Accused herein, were charged with the offence of murder contrary 203 as read with section to section 204 of the *Penal Code* Cap 63 Laws of Kenya. The particulars of the offence are that, the accused on the 15th day of January, 2017 at Chebaon Trading Centre in Kericho West Sub-County within Kericho County, jointly murdered Shadrack Rono Kipngeno.
2. The matter proceeded for trial and this Court acquitted Dickson Kipkurui Langat, Bernard Kipkoech Mutai and Martin Kimutai Rop and convicted Josephat Kiprono Ngeno for the said offence.
3. Upon convicting the accused person for the aforesaid offence, this court directed the county probation officer to file a pre-sentence report and also invited the accused to make submissions in mitigation to guide the court in determining the appropriate sentence to be meted out.
4. Mr. Nyadimo, the Learned Counsel for the Accused, submitted that the accused is a family man, with a young wife and one child of tender age. The Learned Counsel submitted that the incident occurred while he was intoxicated, the accused therefore lacked malice aforethought.



5. The Learned Counsel stated that the accused was deeply remorseful for the events that culminated in the demise of the deceased.
6. The Learned Counsel further submitted that reconciliation and customary cleansing rites were done. The Learned Counsel stated that he had a letter from the prison authorities commending him for good conduct while he was in remand. The Learned Counsel therefore urged this court to consider a non-custodial sentence.
7. Mr. Musyoki, Learned Assistant Director of Public Prosecutions, on his part submitted that the accused ought to be treated as a first offender.
8. This court also called for a pre-sentence report. I have considered the pre-sentencing report prepared and filed by the Kericho County – Probation Officer in respect of the accused person. In the aforesaid report, it is noted that prior to his arrest, the offender eked out a living through electrical installation work. The accused has no previous criminal record. The community and the locality knew him as a hardworking person responsible in tendering his young family.
9. On the material day, the offender and the deceased were on a drinking spree, the deceased attempted to rob him of his valuables and an altercation ensued culminating in the demise of the deceased.
10. The offender was remorseful and urged this court to exercise leniency and place him on a non-custodial sentence in order to afford him the chance to take care of his young family.
11. The family of the accused are in support of a non-custodial sentence in order to afford him the opportunity to fend for his family. The family had made efforts to reconcile with the deceased's family and were willing to conduct cleansing rites. The family is ready to assist the offender reintegrate into the family and the community.
12. The offender had reconciled with the deceased's family, who are not opposed to a non-custodial sentence.
13. The community and the local administrator are in support of a non-custodial sentence in order to give the offender the chance to reintegrate with the community and to take care of his family.
14. Based on the findings of the social inquiry and assessment, the probation officer found the offender a suitable candidate for a non-custodial sentence and recommended the offender for placement on a probation order for a period of two years subject to this court's verdict.
15. This court has considered that the accused person was arrested on the 16th day of January, 2017 soon after committing the instant offence, he was arraigned in court and remanded. The accused made an application for reasonable bail/bond terms, the accused was granted bond of Kshs. 300,000/= with a surety of similar amount.
16. The accused was subsequently released on the 27th day of September, 2019. The accused spent a period of 2 years and 8 months in remand.
17. I have considered the circumstances of the offence, the submissions in mitigation and have further considered the contents of the pre-sentence report filed by the county probation officer in respect of the accused person. I am satisfied that the appropriate sentence in this case should be a non-custodial sentence. Consequently, I hereby sentence the Accused namely: Josephat Kiprono Ngeno to serve 3 years on probation under the supervision of the Kericho County Probation Officer.

**DATED, SIGNED AND DELIVERED AT KERICHO THIS 31ST DAY OF OCTOBER, 2024**

**J. K. SERGON**



## **JUDGE**

In the presence of:

C/Assistant – Rutoh

Prosecutor – Mr Musyoki

Accused Person – Present in Person

No Appearance for Nyadimo for the Accused

