



**Republic v Korir (Criminal Case E047 of 2021)  
[2023] KEHC 18261 (KLR) (31 May 2023) (Sentence)**

Neutral citation: [2023] KEHC 18261 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
CRIMINAL CASE E047 OF 2021**

**JK SERGON, J**

**MAY 31, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**JOSPHAT KIPLANGAT KORIR ..... ACCUSED**

**SENTENCE**

1. Josphat Kiplangat Korir, the Accused herein was initially arraigned in Court to face the offence of Murder Contrary to Section 203 as read with Section 204 of the *Penal Code*.
2. However, pursuant to Section 137 of *Criminal Procedure Code*, the Accused instead pleaded guilty to the lesser charge of manslaughter Contrary to Section 202 as read together with Section 205 of the *Penal Code*.
3. Upon convicting the Applicant, this court invited the Prosecution and the Accused to submit on mitigation.
4. Mr Musyoki urged this court to treat the Accused as a first offender since he did not have the accused's past criminal record. Mr Musyoki further stated the evidence suggest that the Accused had malice when killing the deceased, therefore, he should be sentenced to a custodial term.
5. Mr Kiprotich, Learned Advocate for the Accused submitted in mitigation and urged this court to note that the Accused is remorseful and has a young family blessed with two children. He also stated that the Accused committed the offence under the influence of alcohol. It is also said that the Accused has been in custody since 2021 and that while in custody, he converted to Christianity.
6. It is further stated that the Accused is an Orphan and that his Uncle is the one who organized for the Kipsigis Traditional Reconciliation Ceremonies.



7. This Court also called for the filing of Pre-sentence Report from the County Probation Officer. In the aforesaid Report, it is indicated that there exist no history of anti-social tendencies or criminal history associated with the Accused.
8. It is also indicated that the Accused was orphaned at an early age when he was in class two. The Pre-sentence Report also indicates that the Accused's wife and her children left for her parents when the Accused was arrested.
9. It is further noted that the Accused committed the offence under the influence of alcohol. In the Report, it is recorded that the Accused family beseeched the Court to pronounce a non-custodial sentence so that they can be given a chance to rehabilitate and integrate the Accused into the community through reconciliation and traditional cleansing rituals.
10. It is also noted in the Report that the deceased's family and that of the Accused are related. The deceased's family is ready to reconcile and forgive the Accused. The deceased's family is not opposed to a non-custodial sentence being meted out. In the Report, it is further stated by the Local Administration that the offender had been useful to the society and that the Local Administration is not opposed to the Accused being given a non-custodial sentence.
11. I have considered several mitigating factors which have assisted this Court in determining the appropriate sentence to be meted out.
12. Having considered the period the Accused served in custody plus the mitigating factors and the Probation Pre-sentence Report, I am convinced that the appropriate sentence should be non-custodial.
13. I hereby sentence the Accused namely:- Josphat Kiplangat Korir to serve 3 years on Probation under the supervision of the Kericho County Probation Officer.

**Dated, Signed and Delivered this 31<sup>st</sup> day of May, 2023.**

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**J.K. SERGON**

**JUDGE**

In the presence of:

C/Assistant – Rutoh

Prosecutor – Mr. Musyoki

Kiprotich for the Accused

Accused – Present

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