



**Kiplangat v Director of Public Prosecution (Miscellaneous Criminal Application 150 of 2018) [2023] KEHC 22709 (KLR) (27 September 2023) (Judgment)**

Neutral citation: [2023] KEHC 22709 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
MISCELLANEOUS CRIMINAL APPLICATION 150 OF 2018  
HK CHEMITEI, J  
SEPTEMBER 27, 2023**

**BETWEEN**

**BERNARD CHERUIYOT KIPLANGAT ..... APPLICANT**

**AND**

**DIRECTOR OF PUBLIC PROSECUTION ..... RESPONDENT**

**JUDGMENT**

1. The applicant was charged with the murder of the late Peter Kipkorir on 6<sup>th</sup> April 2012 and was convicted on 26<sup>th</sup> August 2015. He was sentence to suffer death and he later appealed to the Court of Appeal but he withdrew the appeal after filing this application.
2. This application filed on 19<sup>th</sup> June 2018 is pursuant to the Supreme Court of Kenya decision in Francis Muruatetu petition no 15 of 2015. The applicant is asking this court for resentencing again.
3. The learned state counsel has not opposed the same and in his replying affidavit filed on 12<sup>th</sup> June 2023 he deponed that the court be guided by the principles laid down in the Muruatetu authority.
4. I have read the application as well as the judgement convicting the applicant. There is no doubt that the deceased met a cruel death in the hands of the applicant and his accomplices. There was no reason why they took his life that fateful night.
5. The affidavit in support of the application is too general and only cites the Muruatetu Case. There is nothing to show any remorse by the applicant or at all. Neither has he exhibited any evidence of personal development after he was sentenced.
6. Consequently, and taking cue from the facts of the case the death sentence imposed against the applicant is hereby set aside and is sentence to serve twenty (20) years imprisonment from 26<sup>th</sup> August 2015.
7. Orders accordingly.



**DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAKURU THIS 27TH DAY OF  
SEPTEMBER 2023**

**H. K. CHEMITEI**

**JUDGE**

