



**Republic v Langat & another (Criminal Case 29 of 2015)
[2023] KEHC 25930 (KLR) (30 November 2023) (Sentence)**

Neutral citation: [2023] KEHC 25930 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE 29 OF 2015
JK SERGON, J
NOVEMBER 30, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

ROBERT KIPKORIR LANGAT 1ST ACCUSED

FELIX KIPKOECH KORIR 2ND ACCUSED

SENTENCE

1. Robert Kipkorir Langat, Felix Kipkoech Korir the accused persons herein, were charged and convicted with the offence of manslaughter contrary to section 202 as read with section 205 of the [Penal Code](#) Cap 63 Laws of Kenya on their own plea of guilt pursuant to a plea bargaining agreement. The particulars of the offence are that on the 19th day of December, 2015 at Macheisok Village, Macheisok Location in Kipkelion Sub-County within Kericho County, the accused persons unlawfully killed Wesley Cheruiyot Langat.
2. Upon convicting the accused for the aforesaid offence, this court directed the county Probation Officer to file pre-sentence reports on both the accused persons and also invited the accused persons to make submissions in mitigation to guide the Court in determining the appropriate sentence to be meted out.
3. Miss Chepkorir who was holding brief for Mr. Onesmus Langat Learned Counsel for both the 1st and 2nd accused persons, submitted in mitigation that the accused persons were first offenders and further that the 1st accused person is married with a young family that is heavily dependent on him. She therefore urged this Court to exercise leniency and pronounce a non-custodial sentence.
4. Mr. Musyoki Learned Assistant Director of Public Prosecutions pointed out that the accused persons pursued the deceased as he was running away and therefore under these circumstances a custodial sentence was appropriate.



5. 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. Concerning the 1st accused person Namely Robert Kipkorir Langat, the report indicates that the offender enjoys quality relationships with his family members and the community and has participated in the Kipsigis traditional cleansing rituals and pursued reconciliation with the deceased's family members who were the offender's in-laws, therefore the offender's family and the deceased's family members were in favour of a non-custodial sentence. The local administration stated that there exists no hostility in the community as the offender has strong ties. It is said that the offender has no past criminal record and cooperates and lives harmoniously with other villagers which in turn created a safe haven for him while he was out on bond since 2016. The local administration and the community were therefore not opposed to him being given a non-custodial sentence.
6. The county probation officer noted the fact that the offender is aged 47 and does menial jobs and is involved in small scale farming to support his family. Further, the offender is married with seven children and supports them in paying school fees and providing the basic needs.
7. The probation officer also noted that the offender enjoys quality relationships with his family and the community, he therefore urged the court to exercise leniency during sentencing and proposed a three (3) year probation order sentence.
8. Concerning the 2nd Accused Person Namely Felix Kipkoech Korir in the pre-sentencing report it is noted that the offender is aged 19 years, married with two young children. His wife is said to be a housewife nursing the children therefore the offender is the sole breadwinner. The offender's family urged the court to exercise leniency and proposed a non-custodial sentence to allow him to take care of his family and to support his siblings.
9. The deceased's family noted that whereas the offender was at the scene of crime on the material day, he never took part in the duel between the 1st accused and the deceased that culminated in the demise of the deceased. The family of the deceased further stated that they harboured no grudge with the offender and therefore urged the court to exonerate the offender. The offender enjoys strong ties with the community and is not associated with petty crime in the community hence the community members and local administration were in favour of a non-custodial sentence.
10. The probation officer having noted the above sentiments and further that the offender was willing and ready to abide by the non-custodial sentence deemed the offender suitable to be placed on a non-custodial sentence and therefore proposed a two (2) year probation sentence subject to the court's discretion.
11. In view of the findings of the social inquiry, the probation officer was of the opinion that the offenders are suitable for a non-custodial sentence and therefore recommended a probation order sentence.
12. I have considered the fact that the 1st Accused Person was in custody for a period of nine (9) months since his arrest and arraignment in court on 22nd December 2015, he was subsequently released on bond on 20th September, 2016.
13. I have considered that the 2nd Accused Person was in custody for a period of four (4) months since his arrest and arraignment in court on 8th July, 2016 he was subsequently released on bond on 11th November, 2016.
14. I have taken cognizance of the fact that both accused persons herein entered into plea bargaining agreements therefore saving the court's time for trial.



15. Having considered the circumstances of the offence, submissions in mitigation and having further considered the contents of the pre-sentence reports which are favourable, it is apparent that in the circumstances of this case that a non-custodial sentence is appropriate. I am therefore inclined to adopt the recommendations of the county probation officer.
16. Consequently, I hereby sentence the accused persons namely: Robert Kipkorir Langat to serve on a probation order for a period of three (3) years and Felix Kipkoech Korir to serve on a probation order for a period of (2) years under the supervision of the Kericho County Probation Officer.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 30TH DAY OF NOVEMBER, 2023

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J. K. SERGON

JUDGE

In The Presence Of:

Langat – C/Assistant

Mr. Musyoki - Prosecutor

Accused Persons – Present in Person

O. Langat for both Accused Persons

