



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KERICHO**

**CRIMINAL CASE NO. 31 OF 2013**

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**CHARLES KIPKIRUI LANGAT..... ACCUSED**

**SENTENCE**

**Charles Kipkirui Langat**, the accused, is before this court to face the charge of Murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. The particulars of the offence are that on the 24<sup>th</sup> day of July, 2013 at Sangwa village in Konoin village within Bomet County, the accused is alleged to have murdered **Bernard Kipkoech Langat**. However, pursuant to the plea agreement dated 18<sup>th</sup> February, 2014, the accused pleaded guilty to the lesser charge of Manslaughter contrary to **Section 202** as read with **Section 205** of the **Penal Code** and was subsequently convicted.

Before pronouncing the sentence, the accused's advocate was invited to tender submissions in mitigation. This court further called for a Probation report on the accused. I have considered the factors in mitigation together with the Probation Officer's report. The accused is a first offender aged 23 years. He is married with one child. The accused is said to be remorseful and regrets having killed his brother while he was under the influence of alcohol. He has beseeched this court to be lenient to him by pronouncing a non-custodial sentence. According to the Probation report, the offence was committed a few days after the accused's wife delivered a baby boy and when the family was in celebration mood. The accused is described by the family and clan members as polite and hardworking. It would appear the accused acted in self defence when his late brother used a club to assault him while the duo fought over a wallet belonging to the accused. The family and the clan do not oppose if the accused is given a non-custodial sentence. It is said if released the family and the clan will be able conduct the Kipsigis traditional cleansing ceremony to fully integrate the accused to society. The Probation officer is also ready to give the necessary guidance. After a careful consideration of all the factors. I am convinced the most appropriate sentence in the circumstances is non-custodial. The home environment is receptive and is not hostile to the accused. Consequently , I hereby order that the accused be set free and I direct that he serves two years Probation under the supervision of the Probation officer, Konoin District. The accused cautioned that he should exhibit good behaviour during this period to enable him fully re-integrated to society.

**Dated, signed and delivered in open court this 20<sup>th</sup> day of March, 2014.**

**J.K. SERGON**

**JUDGE**

**In the presence of**

Mr. Lopokoiyit for Director of Public Prosecutions

Ongany holding brief for Mr. Orina for Accused