



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERICHO
CRIMINAL CASE NO. 42 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

ENOCK KIPKOECH LANGAT.....ACCUSED

SENTENCE

Enock Kipkoech Langat, the accused herein, is before this court, on the information of the Director of Public Prosecutions dated 4th September, 2013 to face a 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 16th day of August, 2013 at Kesabita Village of Kapsimbiri Sub-location in Bomet District within Bomet County, jointly with another not before court the accused is alleged to have murdered **Felix Kiplangat Koech**. Negotiations began to enable the accused plead guilty to the lesser charge of manslaughter culminated to the signing of the plea agreement dated 18th March, 2014. The accused was thereafter convicted on his own plea of guilty for the aforesaid offence.

After receiving the accused's Submissions in Mitigation, this court called for a Probation Report on the accused. I have considered the facts given in Mitigation and the Probation Report. Mr. Lopokoiyit, learned Prosecution Counsel, informed this court that he did not have the accused's past criminal record hence the accused was treated as a first offender. Mr. Koech, learned advocate for the accused beseeched this court to be lenient since the accused is a young person aged 13 years and was attending Kapsimbiri Primary School before the incident. The accused is said to be remorseful and regrets his heinous act.

The Probation Report shows that the victim's family and that of the offender are neighbours. It is also indicated in the Probation Report that the victim's family have resolved to forgive the offender and that the offender's family are ready and willing to support any initiative to reconcile and integrate the accused to community. The two families have intermarried hence related by marriage. The community is receptive to the accused. The offender's clan members are said to have sent a delegation to the deceased's family and clan to express their remorse over the incident and to further seek for reconciliation. The initial contact proved successful and the families and the respective clans have discussed the mode of compensation to be paid.

The accused is described by his teachers as hardworking and obedient. The offender's family have also stated that they intend to relocate the accused to a different location to enable him avoid the immediate environment where the offence was committed. The Probation Officer recommended him to be given a non-custodial sentence.

After a careful consideration of the facts in Mitigation and the Probation Officer's Report, I am convinced a non-custodial sentence is the most appropriate in this case. Consequently, the accused is ordered set free from custody and pursuant to the provisions of **Section 191(1)(c)** of the **Children's Act no.8 of 2001**, I order the accused to serve one(1) year probation under the supervision of the Probation Officer, Bomet County.

Dated, signed and delivered in open court this 4th day of April, 2014.

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J.K.SERGON

JUDGE

In the presence of:

Miss. Kivali for Director of Public Prosecutions

Mr. Koech for Accused