



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 59 OF 2013**

REPUBLIC .....PROSECUTOR

VERSUS

SAMSON KIPKOROS LANGAT..... 1ST ACCUSED

REUBEN KIPYEGON LANGAT.....2ND ACCUSED

BENJAMIN KIPROP LANGAT .....3RD ACCUSED

EVANS KIPKORIR KIRU .....4TH ACCUSED

**RULING**

The issues raised by this court on **2<sup>nd</sup> October, 2014** have been adequately covered by the Director of Public Prosecution's office and the Probation. It is now clear that **Judith Chepngetich** who was being beaten by the deceased is a sister and not a wife to the deceased. The said **Judith Chepngetich** has accordingly been interviewed by the Probation Officer.

For record purposes it is important to note that Accused 1, Accused 2 and Accused 3 are all brothers to the deceased and **Judith Chepngetich**, while Accused 4 is a nephew to all the accused, the deceased and **Judith Chepngetich**.

The facts stated by the State show that the deceased had attacked **Judith Chepngetich** and all the four accused went to rescue her. It was unreasonable of them to all attack one person who was not said to be dangerously armed, in the name of rescuing **Judith Chepngetich** who was not seriously injured. They have however realized that their serious attack on the deceased was uncalled for. They have and continued to give support to the widow and orphaned children of the deceased. The family, community and local administration have been said to be willing to receive the accused persons back into the society, and facilitate in the process of cleansing and reconciliation. I do note that the accused persons though initially charged with Murder were convicted of Manslaughter contrary to **Section 202** as read with **Section 205** after a plea bargaining arrangement.

After considering all the circumstances of the case and the relationship of the accused persons and the deceased, I do find the recommendation by the Probation Officer to be appropriate. Each accused will serve a sentence of three (3) years on Probation.

The conditions are clearly explained to them.

**Dated, signed and delivered in open court this 23rd day of October, 2014**

**H.I. ONG'UDI**

**JUDGE**

**In the presence of:**

M/S Kivali for State

Mr. Koskei for all Accused persons - present

Lagat– Court Assistant

All accused – present in person