



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 31 OF 2011**

REPUBLIC ..... PROSECUTOR

VERSUS

AMOS KIPKURUI LANGAT .....ACCUSED

**SENTENCE**

The accused person, **Amos Kipkurui Langat**, was arraigned before this court to face a charge of Murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. Pursuant to the plea agreement entered between the accused's advocate and the office of the Director of Public Prosecutions, the charge was reduced to Manslaughter. The accused pleaded guilty to the aforesaid charge and this court proceeded to convict him.

Before sentencing, this court invited the prosecution to state the accused's past criminal record and also invited the accused to tender facts in mitigation. A pre-sentence, Probation report on the accused was also requested. The particulars of the offence are that on 19th June, 2011 at Nganaset village of Bureti District within Kericho County, the accused person unlawfully killed Brian Kiprop and Ibrahim Kibet. The circumstances in which the offence occurred are that on 19th June, 2011 at about 7.00a.m, the accused walked into his grass thatched kitchen and inside he found his wife and two sons. The accused picked a quarrel with his wife over the paternity of one of the children. The wife is said to have retorted by telling the accused that he was not man enough. A confrontation ensued whereupon the accused's wife threw a sufuria at the accused. She also picked up a knife and attempted to stab the accused. The accused picked up a power saw which was in the kitchen and hurled the same at his wife but unfortunately the same landed on the two boys and fatally injuring them. Brian Kiprop and Ibrahim Kibet were rushed to Kapkatet District Hospital for treatment. Brian Kiprop died on arrival while Ibrahim Kibet died half an hour later while undergoing treatment. The accused was arrested and arraigned in court to face two counts of Murder which counts were later commuted to Manslaughter.

I have considered the fact that the accused is a first offender and the fact that he is remorseful. He is aged 43 years with three children and the only bread winner. The accused was released on bond in September, 2011 and has complied with the terms of the bond. I have further considered the pre-sentencing Probation report prepared by the Probation officer Sotik/Bureti/Konoin Districts and filed in court on 29th April, 2013. It is apparent from the report that the accused's parents passed away over ten years ago. The Probation officer recommends for the accused to be given a non-custodial sentence since the family and the community do not have any objection. After a careful consideration of the aforementioned factors, I am convinced the most appropriate sentence should be non-custodial. Consequently, I sentence the accused to serve 2 years Probation under the supervision of the Probation Officer, Sotik/Bureti/Konoin Districts. During this period the accused should exhibit good behaviour.

**Dated, signed and delivered this 4th day of September, 2013.**

**J.K. SERGON**

**JUDGE**

In open court in the presence of Mr. Maengwe for the Accused and

Mr. Mutai for Director of Public Prosecutions.