



**Republic v Bett & another (Criminal Case E024 of 2022)
[2025] KEHC 1865 (KLR) (6 February 2025) (Sentence)**

Neutral citation: [2025] KEHC 1865 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E024 OF 2022
JK SERGON, J
FEBRUARY 6, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

KENNEDY KIPRONO BETT 1ST ACCUSED

WILLY KIPYEGON BETT 2ND ACCUSED

SENTENCE

1. Kennedy Kiprono Bett and Willy Kipyegon Bett the Accused herein, were charged with the offence of Manslaughter Contrary to Section 202 as read with Section 205 of the *Penal Code* Cap 63 Laws of Kenya pursuant to a plea bargaining agreement. The particulars of the offence are that, the accused on the 7th day of November, 2022 at Chemumbe Village, Kaborok Location in Belgut Sub-County within Kericho County, unlawfully killed Japhet Kimutai Bett.
2. Upon convicting the accused persons for the aforesaid offence, this court directed the county probation officer to file pre-sentence reports and also invited the accused to make submissions in mitigation to guide the court in determining the appropriate sentence to be meted out.
3. Mr. Kiprono, the Learned Counsel for both Accused, submitted that both accused were remorseful about the commission of the offence that culminated in the demise of the deceased, who was their brother. The Learned Counsel stated that the accused had reformed during their incarceration. He stated that the family had conducted traditional cleansing rites and reconciliatory meetings. The Learned Counsel therefore urged this Court to exercise leniency during sentencing and consider a non-custodial sentence.
4. Mr. Musyoki, Learned Assistant Director of Public Prosecutions, on his part submitted that the accused persons were first offenders, as he did not have prior criminal records. The Learned Prosecutor



- stated that the offenders had killed their kin (brother) and that the circumstances did not disclose a motive and therefore a custodial sentence was more appropriate.
5. This court also called for pre-sentence reports. I have considered the pre-sentencing reports prepared and filed by the Kericho County – Probation Officer in respect of the accused persons.
 6. The probation officer filed a presentence report on behalf of Kennedy Kiprono Bett the 1st accused, in the aforesaid report, it is noted that the offender is a skilled carpenter.
 7. On the material day, the offender wanted to fell a tree in the mother’s homestead in order to complete construction of her house, when the victim attacked ferociously, however, the offender managed to overpower the victim who was armed. The victim sustained fatal injuries and succumbed while seeking medical treatment. The offender was remorseful for the events that transpired on the material day culminating in the demise of the deceased.
 8. The victim is the offender’s brother, the family described the awful incident culminating in the demise of their kin as an unfortunate occurrence. The family held reconciliation meetings, and they have forgiven the offender in order to foster peace and unity among the family members.
 9. The offender has strong ties and a cordial relationship with the community. The offender has a good reputation in the community. The local administrator described the offender as a responsible hardworking person with no history of criminality in the community. The community members and local administrator urged this court to consider a non-custodial sentence to accord the family and the clan the chance to pursue reconciliation and foster long lasting peace and unity.
 10. Based on the findings of the social inquiry and assessment, the probation officer found the offender a suitable candidate for a non-custodial sentence program, guidance and counselling on anger management, guidance on how to develop interpersonal and effective life skills and recommended three (3) years’ probation order with supervision.
 11. The county probation officer filed a presentence report on behalf of Willy Kipyegon Bett the 2nd accused, it was noted that the offender is a skilled carpenter.
 12. On the material day, the offender wanted to fell a tree in the mother’s homestead in order to complete construction of her house, when the victim attacked ferociously, however, the offender managed to overpower the victim who was armed. The victim sustained fatal injuries and succumbed while seeking medical treatment. The offender was remorseful for the events that transpired on the material day culminating in the demise of the deceased.
 13. The victim is the offender’s brother, the family described the awful incident culminating in the demise of their kin as an unfortunate occurrence. The family held reconciliation meetings, and they have forgiven the offender in order to foster peace and unity among the family members.
 14. The offender has strong ties and a cordial relationship with the community. The offender has a good reputation in the community. The local administrator described the offender as a responsible hardworking person who keeps the company of prosocial associates with no history of criminality in the community. The community members and local administrator urged this court to consider a non-custodial sentence to accord the family and the clan the chance to pursue reconciliation and foster long lasting peace and unity.
 15. Based on the findings of the social inquiry and assessment, the probation officer found the offender a suitable candidate for a non-custodial sentence program, guidance and counselling on anger management, guidance on how to develop interpersonal and effective life skills and recommended three (3) years’ probation order with supervision.



16. I have considered that both accused persons were arrested soon after committing the instant offence, they were arraigned in court 15th December, 2022 and remanded soon thereafter. The accused made an application to be released on reasonable bail terms, however, the pre bail reports were unfavourable, therefore the offenders have been in custody for a period of two (2) years and (1) month.
17. I have considered the circumstances of the offence, submissions in mitigation and have further considered the contents of the pre-sentence reports filed by the county probation officer in respect of both accused persons. Consequently, I hereby sentence the Accused namely: Kennedy Kiprono Bett to ... and Willy Kipyegon Bett each to serve 3 years on Probation under the supervision of the county Probation Officer, Kericho County

DATED, SIGNED AND DELIVERED AT KERICHO THIS 6TH DAY OF FEBRUARY, 2025

.....

J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

P/Counsel – Maundu

Kiprono for the Accused Persons

