



**Republic v Kimutai (Criminal Case E014 of 2023)  
[2025] KEHC 3041 (KLR) (18 March 2025) (Judgment)**

Neutral citation: [2025] KEHC 3041 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BOMET  
CRIMINAL CASE E014 OF 2023  
JK NG'ARNG'AR, J  
MARCH 18, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**VICTOR LANGAT KIMUTAI ..... ACCUSED**

**JUDGMENT**

1. The Accused, Victor Langat Kimutai was charged with the offence of murder contrary to section 203 as read with section 204 of the *Penal Code*. The particulars of the offence were that on the 3<sup>rd</sup> July, 2023 at Kaptilolwo Village, Kaplentundo location in Sotik Sub County within Bomet County he murdered Daniel Kiplangat Keter.
2. The Accused took plea on 24<sup>th</sup> July 2023 where he pleaded not guilty to the charge of murder.
3. The Plea Bargaining Agreement dated 12<sup>th</sup> November 2024 indicated that the Accused had agreed to plead guilty to the lesser offence of manslaughter.
4. On 22<sup>nd</sup> January, 2025, this court accepted the Plea Agreement after interviewing the Accused and satisfying itself that he executed the Plea Agreement voluntarily and that he understood his trial rights.
5. On the same day (23<sup>rd</sup> January 2025), the Accused took plea for the offence of manslaughter. The charge and every element thereof was read and explained to him in the Kipsigis language which he understood and he pleaded guilty. The court entered a plea of guilty for the offence of manslaughter.
6. The Facts as read by the Prosecutor and captured in the Plea Agreement are as follows:-

“On the 2<sup>nd</sup> day of July 2023, Daniel Kiplangat Keter sold two points of his ancestral land at Sotik. He was paid Kenya shillings three hundred and twenty thousand (Kshs. 320,000/



=). The sale was witnessed by his two sons, the accused and another by the name Vincent Kiprotich Langat.

The following day the 3<sup>rd</sup> day of July, 2023 at around 5.00 p.m., the accused, Vincent Kiprotich Langat and the deceased met at the grandmother's home (grandmother to the accused). At this point, the accused became violent and demanded that part of the land proceeds from the previous day sale be used to buy him a motor cycle. The brother Vincent Kiprotich Langat told him that the money was intended for a purchase of a land in Nakuru County. This angered the accused who grabbed him by the collar of his shirt only for their grandmother and the deceased to intervene. Shortly thereafter the accused came back carrying a wood in his hand. He demanded that his father gives him the money for the purchase of the motorcycle or else he kills him and the brother; Vincent. The father who just like the accused was then drunk tried to explain to the accused that he intended to use the money to purchase land at Nakuru County however the accused could not be persuaded.

The accused began chasing the deceased father and the brother. As they ran for their safety, the deceased fell on the ground and the accused caught up with him. The accused began assaulting the deceased with the wood on the ground. Severally, he hit the deceased on the head and the other parts of the body. The other family members, Vincent, his wife Vicky and the grandmother ran for their safety as they scream for help.

Screams from the family members who had ran for their safety attracted the attention of the neighbors and passersby. The accused on noticing that the neighbors and passersby were running towards the scene ran away. Vincent Kiprotich Langat with the assistance of some people who first arrived at the scene rushed the deceased to Kapkatet Hospital. Unfortunately, on arrival at the Hospital he was pronounced death.

A postmortem examination was conducted on the body of the said Daniel Kiplangat Keter on 6<sup>th</sup> day of July 2023 at Kapkatet District Hospital Mortuary by Dr. Mutai and the result of the said examination, is that the cause of death was severe head injury due to Assault.

On 11<sup>th</sup> day of July, 2023, the accused was arraigned in Court with a charge of murder and which offence has now commuted to a charge of manslaughter”.

7. The Accused accepted the facts as true and was convicted on his own guilty plea for the offence of manslaughter contrary to section 202 as read with section 205 of the *Penal Code*.

### **Pre-Sentence Report**

8. A pre-sentence probation report dated 13<sup>th</sup> January, 2025 was filed following the court's direction. The report stated that the Accused regrets circumstances under which he committed the offence. He is very sorry and remorseful. According to the report, the Accused pleads for forgiveness from this court and he be considered for a non-custodial sentence.
9. The Probation Officer recommended that the Accused situation at home is not favorable for his release on community based sentence.
10. The deceased family is against his release on non-custodial terms save for his spouse and clan's members who felt that he may be forgiven and handed lenient sentence.



## Accused's Mitigation

11. Mitigation by the Accused was made on his behalf by his counsel, Mr. Baruse. Counsel submitted that the Accused is remorseful and apologetic for the unfortunate turn of events he is a first offender he has learnt his lesson and is receptive to any rehabilitative measures he will be subjected to.
12. The Prosecution stated that the attack was aggravated not a spar of the moment. They do not support a non-custodial sentence.
13. Sentencing serves multiple purposes as enumerated in the Sentencing Policy Guidelines 2023 which outline the objectives of sentencing at paragraph 1.3.1 as follows:-

Sentences are imposed to meet the following objectives. There will be instances in which the objectives may conflict with each other- in so far as possible, sentences imposed should be geared towards meeting the objectives in totality.

- i. Retribution.
  - ii. Deterrence.
  - iii. Rehabilitation.
  - iv. Restorative justice.
  - v. Community Protection.
  - vi. Denunciation.
  - vii. Reconciliation.
  - viii. Reintegration.
14. The penal section for the offence of manslaughter is contained in section 205 of the [Penal Code](#) which provides:-

Any person who commits the felony of manslaughter is liable to imprisonment for life.

15. In the final analysis, having considered the circumstances of the case, the Accused's Mitigation, the Pre-Sentence Report, the Victim Impact Statement and the applicable Law, I make the following orders: -
  - i. The accused is sentenced to serve 10 years' imprisonment.
  - ii. The sentence to run from the date of plea taking being 24<sup>th</sup> July, 2023.
  - iii. 14 days right of appeal is granted.

Orders accordingly.

**SENTENCE DELIVERED, DATED AND SIGNED AT BOMET THIS 18<sup>TH</sup> DAY OF MARCH, 2025.**

.....

**HON. JULIUS K. NG'ARNG'AR**

**JUDGE**

Sentence delivered in the presence of Mr. Njeru , for the State, Barusei for the Accused and Siele/Susan (Court Assistants).

