



**Republic v Korir (Criminal Case 1 of 2020)
[2024] KEHC 216 (KLR) (18 January 2024) (Sentence)**

Neutral citation: [2024] KEHC 216 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE 1 OF 2020
JK SERGON, J
JANUARY 18, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

SHADRACK KIPLANGAT KORIR ACCUSED

SENTENCE

1. Shadrack Kiplangat Korir the Accused herein, pursuant to a plea agreement was charged and convicted with the offence of manslaughter contrary to section 202 as read with section 205 of the [Penal Code](#) cap 63 Laws of Kenya. The particulars of the offence are that on the 22nd December, 2019 at Segetut Location Market in Kipkelion Sub-County within Kericho County, the Accused unlawfully killed Immanuel Kipkorir Langat.
2. Upon convicting the accused for the aforesaid offence, this court directed the county Probation Officer to file a pre-sentence Report 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. Koko Learned Counsel for the Accused, submitted that the accused had been declared unfit to stand trial and referred for medical attention which was facts contemplated that the accused person was of unsound mind. He further submitted that the accused person had abused drugs for a long time and was therefore in need of care and medication, he was currently under medication to calm his nerves.
4. Mr. Musyoki Learned Assistant Director of Public Prosecutions submitted that the accused be treated as a first offender.
5. This court also called for a pre-sentence report. I have considered the pre-sentencing report prepared and filed by the Kericho County – Probation Officer. In the aforesaid report it is noted that the offender abuses bhang and spends time with antisocial associates. The family believes that the abuse of bhang has impaired the offender’s normal functioning. The offender’s family stated that the offender and



deceased were first cousins and it has been challenging for them to initiate reconciliation and seek forgiveness from the deceased's family and their relationship had deteriorated. The offender's family stated that he was violent and destructive, he committed several mistakes that cost the parents who were paying fines and hospital bills to people injured by the offender. The offender's family members feel that his behaviour has compromised their relationship with other villagers and now with extended family members.

6. On the material day he was irritated when the deceased warned him to refrain from having a relationship with his sister, he therefore admitted to have attacked the deceased with a stick, hit him on the head causing him a fatal injury which led to his demise.
7. The offender identified the deceased as being his cousin, he was having a relationship with the deceased's sister and the deceased had warned him to stop and the offender responded in anger, he admitted to have hit the deceased on the head with a stick while engulfed with anger and he could not think straight.
8. The family of the deceased admitted to being relatives to the offender, they called out his violent and callous behaviour, the deceased's family stated that they were forced to relocate back to their original home at Kaplong area, they left land which they bought and developed at Masibul village in Kipkelion, they were bitter with the offender for killing the deceased.
9. The offender had been described as violent and callous towards others, he has a bad reputation, despite several interventions by the parents and other family members the offender refuses to mend his ways, the community members were bitter with the offender. The community members and the local administration were opposed to a non-custodial sentence for the offender's personal safety and to provide him with a chance to reform.
10. The county probation officer highlighted that the offender's family and the community deemed the offender to have high chances of re-offending and therefore proposed to have him reform in a constrained environment. The county probation officer while taking into consideration of the home environment and existing bitterness among the community members found that the offender was not suitable for a non-custodial sentence and recommended that this court should exercise its discretion and consider placing the offender on a custodial sentence for his own safety and to allow him a chance to reexamine his wayward behaviour to pave way for him to reform.
11. I have taken cognizance of the fact that the accused entered into a plea bargaining agreement and therefore saved the court's time for trial.
12. I have considered that the accused was arrested on December 23, 2019, arraigned in court on December 24, 2019 and remanded in custody to date, the offender has been in custody for a period of four (4) years.
13. Having considered the circumstances of the offence, submissions in mitigation and having further considered the pre-sentence report, it is apparent that in the circumstances of this case that a custodial sentence is appropriate.
14. Consequently, I hereby sentence the Accused namely: Shadrack Kiplangat Korir to serve 8 years imprisonment.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 18TH DAY OF JANUARY, 2024

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J. K. SERGON



JUDGE

In the presence of:

C/Assistant – Rutoh

Prosecutor – Mr. Musyoki

Convict – Present in Person

Koko for the Accused

