



**Republic v Bett (Criminal Case E002 of 2023)
[2024] KEHC 2620 (KLR) (12 March 2024) (Sentence)**

Neutral citation: [2024] KEHC 2620 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E002 OF 2023**

**JK SERGON, J
MARCH 12, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

GEOFFREY KIPNGETICH BETT ACCUSED

SENTENCE

1. Geoffrey Kipngetich Bett 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 9th March, 2023 at Chepseon Area, in Londiani Sub- Location in Kericho East Sub-County within Kericho County, the Accused unlawfully killed Enock Kimutai.
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. Kirui Kipyegon, the Learned Counsel for the accused submitted in mitigation, he stated that the accused is a young man, he was remorseful and regrets the commission of the offence. He submitted that the accused was intoxicated at the time of commission of the offence. He further stated that the accused was a first offender and the sole breadwinner. He finally urged the court to exercise leniency and give the offender a non-custodial sentence.
4. Mr. Musyoki the Learned Assistant Director of Public Prosecutions submitted that the accused had no previous records and can therefore be treated as a first offender. The Learned Assistant Director of Public Prosecutions was adamant that the unlawful actions of the offender led to the demise of a five year old boy. The Learned Prosecutor submitted that the accused purchased petrol and set ablaze the house belonging to Phillip Towett, his actions were tainted with indifference as to the result of



his actions, he therefore intended to kill everyone in that house. The Learned Prosecution therefore submitted that the circumstances under which the offence was committed warranted, a severe sentence and therefore a custodial sentence was appropriate.

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 accused hails from a dysfunctional family background. The accused is a casual worker who had returned home from his job as a watchman employed at Nyandarua County. The offender has an acrimonious relationship with family members. The offender has developed hatred towards a paternal uncle over the use of family land which issue was resolved by the family, clan and community members who had involved the local administration.
6. On the material day, fueled by hatred for his paternal uncle, the offender made a wrong decision by deliberately setting his uncle’s house on fire at night while the family members were asleep.
7. The victim’s family members were in agony as two others who sustained burn injuries were still nursing the wounds. The family and the community were still bitter with the offender and therefore the home environment was not safe for the offender’s release back to the community.
8. The county probation in his assessment deemed the offender to have callous disregard to others. The county probation officer while taking cognizance of the findings of the social inquiry, found that the offender was not suitable to be released to the community, he therefore proposed a deterrent sentence in accordance with the sanctions prescribed in the penal code for the instant offence.
9. 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.
10. I have considered that the accused was arrested and arraigned in court on 21st March, 2023 and remanded in custody, there is no indication that he was admitted to reasonable bail terms, he therefore has been in custody for a period of eleven (11) months.
11. 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.
12. Consequently, I hereby sentence the Accused namely: Geoffrey Kipngetch Bett to serve 8 years imprisonment.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 12TH DAY OF MARCH 2024

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J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Prosecutor – Mr. Musyoki

Convict – Present in Person

Kiprono holding brief for Kirui Kipyegon for Accused

