



**Republic v Langat (Criminal Case 14 of 2018)
[2024] KEHC 2293 (KLR) (5 March 2024) (Sentence)**

Neutral citation: [2024] KEHC 2293 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE 14 OF 2018
JK SERGON, J
MARCH 5, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

GIDEON CHERUIYOT LANGAT ACCUSED

SENTENCE

1. Gideon Cheruiyot Langat the Accused herein was charged and convicted with three counts of the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#) Cap 63 Laws of Kenya.
 - (i) The particulars of the offence in Count I is that on 5th July, 2018 at Kiptenden Village in Kebeneti Location in Soin Sigowet Sub County within Kericho County, the Accused murdered Janet Chelangat Langat.
 - (ii) The particulars of the offence in Count II are that on 5th July, 2018 at Kiptenden Village in Kebeneti Location in Soin Sigowet Sub County within Kericho County, the Accused murdered Gideon Kiprono Koech
 - (iii) The particulars of the offence in Count III are that on 5th July, 2018 at Kiptenden Village in Kebeneti Location in Soin Sigowet Sub County within Kericho County, the Accused murdered Allan Kipkirui Cheruiyot.
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. Nyadimo the Learned Counsel for the accused submitted in mitigation, he stated that the accused is a young person aged 29 years, he was remorseful and regrets the commission of the offence. He



submitted that the accused was a first offender. He further submitted that the accused has been on treatment for mental health and that the accused has been in custody since 2018. He further submitted that the accused had reached out to the family of the deceased persons for reconciliation. He therefore urged the court to exercise leniency as the accused did not have malice aforethought when he committed the murders in question.

4. Mr. Musyoki the Learned Assistant Director of Public Prosecutions submitted that the accused had committed a grave offence which led to the demise of three people including his wife and child. The Learned Assistant Director of Public Prosecutions was adamant that the circumstances under which the offence was committed warranted a severe and deterrent sentence.
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 had been diagnosed with cerebral malaria in 1997, he was put on medication but the condition deteriorated and he became epileptic which developed into a mental disorder. The offender would occasionally become violent to his family members and villagers. The offender was treated and discharged under the assessment of a psychiatry officer at Kericho Referral Hospital. The offender was married to Janet Chelangat (the first deceased) and they had one child Allan Kipkirui Cheruiyot (the third deceased) aged three years. The offender loved his family and eked his living as a casual labourer to provide for them. The offender is troubled that he killed his household and was on medication to manage his mental health while in police custody where he was in close communication with his siblings who visit him regularly.
6. On the material day, the offender stated due to the recurrent nature of the mental order, he was not in his right mind when he committed the offence. He also stated that he was not on medication on the material day. The offender did not comprehend how he committed the offence, he urged the court to exercise leniency as he did not have malice aforethought to commit the instant offence rather he was labouring under a disturbed condition of mind. The offender is currently on medication.
7. The three deceased were associated with the offender. The family of the deceased are still bitter with the offender and urged this court not to release the offender to the community, they were afraid for his safety in the event that he is released back into the community.
8. The offender relates well with his family and the community, they were aware that the offender suffers from epilepsy which had deteriorated to a mental condition and the offender had sought medical treatment. They did not foresee a relapse after several years. The villagers were astonished that the offender committed such an awful offence. They recommended that he be separated for some time to allow the family members to organize on how he will be reintegrated into society upon his release.
9. The county probation officer noted the above sentiments and the request by the offender's siblings that the home environment was not safe. The probation officer recommended that the offender ought to be separated from the community for a while for his own personal safety and to afford the family ample time to organize how to reintegrate the offender back into society.
10. I have considered that the accused was arrested and arraigned in court on 9th July, 2018 and remained in custody all through the trial for a period of five (5) years and six (6) 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: Gideon Cheruiyot Langat to serve 20 years imprisonment



DATED, SIGNED AND DELIVERED AT KERICHO THIS 5TH DAY OF MARCH, 2024

.....

J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Prosecutor – Masiza holding brief for Musyoki for ODPP

Convict – Present in Person

Kiprono holding brief for Nyadimo for the Accused

