



**Republic v Langat (Criminal Case 38 of 2021)  
[2023] KEHC 19172 (KLR) (15 June 2023) (Sentence)**

Neutral citation: [2023] KEHC 19172 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
CRIMINAL CASE 38 OF 2021**

**JK SERGON, J  
JUNE 15, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**WESLEY KIMUTAI ..... ACCUSED**

**SENTENCE**

1. Wesley Kimutai Langat, the accused herein was initially arraigned before this court on the information of Murder.
2. However, pursuant to the plea agreement between the accused and the ODPP the accused pleaded guilty to the offence of manslaughter contrary to Section 202 as read with Section 205 of the [Penal Code](#).
3. The particulars of the offence are that on March 18, 2021 at Nyalilbuch village Tabaita Sub-location, in Kaplelartet Location Soin/Sigowet Sub-County within Kericho County, the Accused unlawfully killed Joseph Kipkemoi Korir.
4. Upon convicting the accused, this court invited the accused to submit facts in mitigation and also went ahead to call for a pre-sentence report from County Probation Officer.
5. Mr Musyoki, learned senior Assistant Director of Public Prosecutions urged this court to treat the accused as a first offender since he did not have his past criminal record.
6. He also stated that the appropriate sentence in the circumstances of this case is a custodial sentence. Mr Langat learned Advocate appearing for the accused stated that the accused is remorseful and that is why he was quick to plead guilty to the offence.
7. The learned advocate also argued that the accused has shown genuine commitment to being rehabilitated. He urged this court to pronounce a lenient sentence.



8. I have also considered the pre-sentence report filed by the probation officer. In the aforesaid report it is stated that the accused is aged 39 years who used to do menial jobs before his arrest. It is also stated that the accused is a first offender.
9. The report further indicates that the community is ready to receive back the accused and thereafter perform the Kipsigis traditional cleansing and rehabilitation ceremonies.
10. It is also indicated that the accused committed the offence while under the influence of alcohol.
11. I have also taken into account the fact that the accused was in custody for 1 ½ years.
12. Having considered the fact that the accused is a first offender and having taken into account all the mitigating factors outlined hereinabove, I am convinced that a short custodial sentence is the most appropriate.
13. I hereby sentence the accused namely:- Wesley Kimutai Langat to serve three (3) years imprisonment.

**SIGNED, DATED AND DELIVERED THIS 15<sup>TH</sup> DAY OF JUNE, 2023.**

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**J.K. SERGON**

**JUDGE**

**In the presence of:-**

C/Assistant – Rutoh

Prosecutor – Mr. Musyoki

No appearance for Langat for the Accused

Accused Person present in Person

