



**Republic v Korir (Criminal Case E028 of 2021)
[2023] KEHC 20832 (KLR) (20 July 2023) (Sentence)**

Neutral citation: [2023] KEHC 20832 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E028 OF 2021**

JK SERGON, J

JULY 20, 2023

BETWEEN

REPUBLIC PROSECUTOR

AND

ERIC KIPNGETICH KORIR ACCUSED

SENTENCE

1. Eric Kipngetch Korir, the Accused herein, pursuant to a plea agreement dated 4th May, 2023, 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 16th February, 2021 at Kapkendi Village, Belgut Sub-County within Kericho County, the Accused murdered Evans Kiplangat.
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. Miss Ngetich learned counsel for the Accused submitted that the Accused is an orphan and that he was remorseful for commission of the offence which led to the demise of his friend. She further submitted that the accused was willing to undergo the traditional cleansing ceremony which was yet to take place. Finally, she submitted that the accused had promised not to re-offend and indulge in drugs and alcohol, she therefore urged the court to exercise leniency.
4. Mr. Musyoki learned Assistant Director of Public Prosecutions asked this court to treat the accused person as a first offender since he did not have the accused person's past criminal record. Mr. Musyoki pointed out that the court should consider the manner in which the accused killed the deceased, he had used a panga to severally slash the deceased who died instantly.



5. This court also called for a pre-sentence probation report. I have considered the pre-sentencing report prepared and filed by the Kericho County – Probation Officer dated June 6, 2023. In the aforesaid report it is noted that the accused hails from a humble family background surviving through subsistence farming within Koitaburot Village. He dropped out of school in primary school due to lack of parental support following the demise of his parents and has been living off farming and casual jobs within Kapkendi Village till his arrest. He had also started abusing drugs and alcohol before he could commit the offence.
6. On the material day when he committed the offence, the deceased visited the offender (accused) requesting for a matchbox to light a cigarette, the offender refused and an altercation ensued between the two and subsequently the offender cut the deceased with a panga, the deceased collapsed and offender fled the scene of crime before the community could lynch him.
7. The family of the accused was sorry about the commission of the offence which led to the demise of their neighbour and therefore sought to have the court exercise leniency and impose a non-custodial sentence. The deceased's family is bitter towards the offender and the offence committed and faulted the offender's family for failing to take reconciliation seriously, the offender's family had done little in terms of reconciliation since 2021 and therefore proposed a custodial sentence.
8. The local administration and community were in favour of a custodial sentence for deterrence and felt that the offender needed to be rehabilitated through a custodial sentence in order to tame his wayward behavior. The county probation officer therefore recommended a custodial sentence subject to the court's discretion.
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. Having considered the circumstances of the offence, submissions in mitigation and having further considered the pre-sentence probation report, it is apparent that in the circumstances of this case that a custodial sentence is appropriate.
11. The accused was arrested on February 16, 2021 and was placed in custody. The accused person has been in custody for a period of 2 years, 5 months. The period the accused person spent in custody is taken into account in determining the appropriate sentence.
12. Consequently, I hereby sentence the Accused namely: Eric Kipngetich Korir to serve 8 years imprisonment.

DATED, SIGNED AND DELIVERED THIS 20TH DAY OF JULY, 2023

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J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Prosecutor – Mr. Musyoki

Accused – Present in Person

Miss Ngetich for the Accused

