



REPUBLIC OF KENYA



KENYA LAW
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**Langat v Republic (Criminal Revision E036 of 2023)
[2023] KEHC 23773 (KLR) (19 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23773 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL REVISION E036 OF 2023
JK SERGON, J
OCTOBER 19, 2023**

BETWEEN

GEOFFREY KIPTOO LANGAT APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Geoffrey Kiptoo Langat, hereinafter referred to as the Applicant was convicted of the offence of rape contrary to section 3 (1) (a) (b) (c) as read with section 3 (3) of the [Sexual Offences Act](#) No. 3 of 2006.
2. On 20th June, 2017, Hon. S. Ngetich, the then Learned Senior Resident Magistrate sentenced the applicant to serve ten (10) years imprisonment.
3. The proceedings relating to the aforesaid case, that is Kericho CMC S.O Case No. 68 of 2016 Republic-vs-Geoffrey Kiptoo Langat were placed before this Court pursuant to the provisions of section 362 and 364 of the [Criminal Procedure Code](#).
4. The Probation Officer filed a sentence review report on 17th October, 2023. In the said report it was noted that the Applicant was remorseful and regrets committing the said offence. The probation officer noted that the family members were willing and ready to receive him back home and therefore urged the court to exercise leniency.
5. The prison authorities stated that while the applicant was at Naivasha Maximum Prison he acquired basic skills in tailoring whereas at Naivasha Medium Prison he learnt the basics of mechanics but concentrated more on wiring of vehicles. The prison authorities were of the opinion that the applicant had reformed and were therefore in favour of a non-custodial sentence.
6. The probation officer noted that the current home environment was favourable for his release on a non-custodial sentence as the family members were receptive and willing to assist him in the reintegration



process and further rehabilitation. The probation officer was therefore of the view that the applicant was suitable to serve on a non-custodial sentence, the probation officer proposed that the applicant be considered to serve on a probation order for a period of one (1) year, subject to the court's discretion.

7. The Applicant has so far served six (6) years and four (4) months and is remaining with (3) years and eight (8) months to complete his sentence. The Applicant was sentenced to serve the mandatory minimum sentence. In the case of *Philip Mueke Maingi -vs- DPP & Another* (2022) KEHC 13118 (KLR) minimum sentences were declared unconstitutional. It is apparent from the proceedings of the Trial Court that the Applicant was a first offender. Had the Learned Trial Magistrate taken into account the aforesaid fact, he would have pronounced a lesser sentence.
8. In the circumstance this court is entitled to interfere with the sentence meted out in exercise of its revisionary power. I find a sentence of six (6) years to be appropriate. Consequently, the sentence of ten (10) years imprisonment is set aside and is substituted with a sentence of six (6) years. The adjusted sentence of six (6) years to run from the date of sentence i.e. from 20th June, 2017.
9. It is therefore apparent that as of now, the Applicant Namely:- Geoffrey Kiptoo Langat has served the sentence in full. He should be set free forthwith from Prison unless lawfully held.

DATED, SIGNED AND DELIVERED THIS 19TH DAY OF OCTOBER, 2023.

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J.K. SERGON

JUDGE

In presence of :-

C/Assistant – Mr. Musyoki

Applicant – Present in Person

