



**Republic v Langat (Criminal Case 013 of 2023)
[2024] KEHC 12485 (KLR) (17 October 2024) (Sentence)**

Neutral citation: [2024] KEHC 12485 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE 013 OF 2023
JK SERGON, J
OCTOBER 17, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

STEPHEN KIPRONO LANGAT ACCUSED

SENTENCE

1. Stephen Kiprono Langat the Accused herein, pursuant to a plea bargaining agreement was convicted with the offence of manslaughter contrary 202 as read with section to section 205 of the Penal Code Cap 63 Laws of Kenya. The particulars of the offence are that, the accused between the nights of 22nd and 23rd day of August, 2023 at Chepkendi Village in Soin-Sigowet Sub-County within Kericho County, unlawfully killed Nancy Chepngetich
2. Upon convicting the accused person 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 Kirui, the Learned Counsel for the Accused, submitted that the accused acted on extreme provocation. The accused and deceased had their disputes taken to the elders but there was no resolution. The Learned Counsel further submitted that the customary cleansing rites had been done and therefore urged this court to exercise leniency during sentencing.
4. Mr. Musyoki, Learned Assistant Director of Public Prosecutions, on his part submitted that he did not possess previous records of the accused and the accused could therefore be treated as a first offender. The Prosecutor submitted that the instant case is based on gender based violence, the deceased died due to strangulation and therefore a custodial sentence is the most 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 respect of the accused person. In the aforesaid



report, it is noted that the offender has no previous criminal record. The offender and his wife (the deceased) had marital challenges that were fueled by the irresponsible consumption of illicit brew by both parties. On the material day, the offender and his wife (the deceased) while inebriated had an altercation, when the offender strangled the deceased and she succumbed.

6. The offender was remorseful and admitted that on the material day, he was intoxicated. The offender urged this court to exercise leniency and place him on a non-custodial sentence in order to afford him the chance to take care of his children who were under the care of neighbours and were currently not going to school following his arrest.
7. The offender had reconciled with the deceased's family. The family of the offender and the deceased are in support of a non-custodial sentence in order to afford him the opportunity to educate his children.
8. The community and local administrator stated that the offender has no history of criminality in the community or a record of keeping company of individuals with antisocial tendencies. They therefore urged this court to exercise leniency and place the offender on a non-custodial sentence.
9. Based on the findings of the social inquiry and assessment, the probation officer found the offender a suitable candidate for a non-custodial sentence and recommended the offender for placement on a probation order subject to this court's verdict.
10. I have considered that the accused person was arrested on 25th August, 2023 soon after committing the instant offence, he was arraigned in court and remanded. The accused made an application for bail, the accused was granted bail, however, he did not raise the bail and therefore has been in remand for a period of 1 year.
11. I have considered the circumstances of the offence, submissions in mitigation and have further considered the contents of the pre-sentence report filed by the county probation officer in respect of the accused person. Consequently, I hereby sentence the Accused namely: Stephen Kiprono Langat to serve 3 Years on Probation under the supervision of the Kericho County Probation Officer.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 17TH DAY OF OCTOBER, 2024

J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Prosecutor - Musyoki

Convict – Present in Person

J. K. Mitey holding brief for Miss Chelangat for Accused

