



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NUMBER 1 OF 2019

REPUBLIC.....PROSECUTION

VERSUS

KENNETH KIBET LANG'AT.....ACCUSED

SENTENCE RULING

1. On 14th January 2019 the accused Kenneth Kibet Lang'at was charged with **Murder Contrary to Section 203 as read with 205 of the Penal Code.**

2. It was alleged that on 31st December 2018 at Ndoswa Village Elburgon, Molo Sub County, within Nakuru County he murdered Kenneth Kipkemoi Langat.

3. Vide a Plea Bargain Agreement dated 26th January 2021 he agreed to plead guilty to the lesser charge of **Manslaughter Contrary to Section 202 as read with 205 of the Penal Code.**

4. On 23rd March 2021 the prosecution substituted charge and the accused took plea afresh. He pleaded guilty to the charge of **Manslaughter Contrary to Section 202 as read with 205 of the Penal Code.** He also pleaded to the facts stated as follows:

“On 24th December 2018, at 10.00 pm. You went to the house of the deceased, your brother Kennedy Kipkemoi Lagat. You called him to open for you to enter. He did not come out. You entered his house, pulled him out. There was a struggle between the two (2) of you. When you reached outside, you picked a piece of wood, (mbao). You hit him on the head. He sustained injury. The injury was serious. He was escorted to hospital at Njoro. He was referred to Provincial General Hospital Nakuru. He passed away due to those injuries.

On 15th January 2019, while he was at Provincial General Hospital, post-mortem was conducted on his body. Cause of death was the impact of the blow on his head. You were arrested and charged with Murder, which has now been substituted with Manslaughter.”

5. I requested for a pre-sentence report which was provided by the Probation and After Care Services Nakuru.

6. The only issue for determination is what sentence is appropriate for the accused person.

7. I have carefully considered the facts, the mitigation by the accused, the Pre-Sentence Report, and the Victim Impact Statement. The accused person, in a drunken state attacked his brother and hit him with a wooden stick, his mother and the accused's second wife were present. The deceased was taken to hospital but succumbed to the injuries. The accused person is remorseful for the offence. His family have forgiven him and reconciled with him. They are ready to carry out the traditional cleansing rituals to reintegrate the accused back into the family and the community. The accused is not a threat to anyone, neither is his life threatened should he be released.

8. I have also considered the proposals on the sentences by both accused and the state. Nevertheless, the accused has been in custody since 15th January 2019.

9. It appears that the appropriate sentence in the circumstances would be non-custodial.

10. He is sentenced to Probation Supervision for three (3) years. The sentence of death is there for substituted with a probation supervision order for three (3) years.

11. During this period the accused should abide by the Probation Order and specifically avoid alcohol.

DATED, SIGNED and DELIVERED via ZOOM this 18TH day of JUNE 2021.

MUMBUA T. MATHEKA

JUDGE

In the presence of:

Court Assistant Edna

For state: Ms Murunga

Accused present