



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KERICHO**

**CRIMINAL CASE NO. 38 OF 2018**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**RICHARD KIPYEGON LANGAT Alias KICHOKIO.....ACCUSED**

**SENTENCE**

1. The Accused person was convicted with murder contrary to section 203 as read with section 204 of the Penal Code.
2. In mitigation, counsel for the Accused person told the court that the Accused person is married to two wives and eleven children who are all minors within school going age.
3. The court was further told that the Accused person is the sole bread winner of his family and that since his arrest, the second wife has run away and left the children with their aged grandmother and that some of his children have dropped out of school.
4. The court was told that the Accused person had been in custody since 2018 and further that both the Accused person and the deceased were intoxicated at the time of the offence and therefore his judgment was impaired.
5. The Probation officer filed a social inquiry report on 7/10/2021 detailing the social circumstances of the offender which I have duly considered.
6. I have taken into account the fact that the Accused person is a first offender and also the fact that he is a young father with several children.
7. It is however noted with concern that the Accused person is not at all remorseful for the offence he committed.
8. There is evidence that the Accused person used to issue death threats to the deceased for reasons that the deceased was opposed to an illicit affair between the Accused person and the deceased's mother.
9. PW3 and PW4, both siblings of the deceased said their father is still alive and PW4 had moved out of their house because of the love affair between their mother and the Accused person.
10. There is evidence that the Accused person planned and pre meditated the murder and he executed it in cold blood. The motive of the murder was that the deceased was opposed to the love affair between the Accused person and the deceased's mother. It is the duty of this court to mete a deterrent sentence.
11. I have considered the *ratio decidendi* in the case of **FRANCIS KARIOKOR MURUATETU** where the Supreme Court said the mandatory nature of the death penalty is unlawful.
12. However, the same court said that the said penalty has not been abolished but it is reserved for deserving cases.
13. It is my considered opinion that this is a deserving case for the death penalty. The Accused person who used to carry a weapon used to threaten the deceased with death and he made good his threats by attacking the deceased with the said weapon in cold blood.
14. I find that the Accused person is not remorseful for the act he committed and his mitigation was that he was intoxicated.

15. The Accused person did not raise the issue of intoxication in his defence.

16. I accordingly sentence the Accused person to death as by law required.

17. He has a right of appeal to the Court of Appeal within fourteen (14) days of this date.

**Delivered, dated and signed at Kericho this 5<sup>th</sup> day of November 2021**

**A. N. ONGERI**

**JUDGE**