

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAROK

CRIMINAL CASE NO. 4 OF 2018

REPUBLIC..... PROSECUTOR

VERSUS

ROBERT KIPKIRUI LANGAT..... ACCUSED

JUDGEMENT ON SENTENCE

1. On 4th December 2019, I convicted the accused for the offence of manslaughter.
2. The issue before me is one of imposing the appropriate sentence.
3. The court is required to take into account the circumstances of the case, the mitigating and aggravating factors in sentencing the accused.
4. Ms. Adallah, counsel for the accused applied for and obtained a probation officer's report. According to the report, the deceased was the brother in law to the accused. The accused and deceased were friends. They were drinking alcohol, when a disagreement arose between them; which eventually led to a fight. In the course of the fighting, the accused fatally stabbed the deceased with a knife. The report summarizes the circumstances surrounding the commission of the offence.
5. The mitigating factors include the following. Ms. Adallah, counsel for the accused in mitigation submitted as follows. The accused is a young person aged 25 years. He is a casual labourer and that he is also married with three children. The accused is remorseful and that they fought when were drunk. The accused and the deceased were good friends. There is an on-going process of reconciliation in accordance with Kipsigis customary law.
6. Furthermore, the accused is a first offender. He has been in custody since 2018, which translates to two years. Counsel for the accused pleads for leniency.
7. Ms Torosi, for the respondent, basing his submissions on the probation officer's report submitted as follows. The accused is not remorseful. She urged the court to take into account that a life has been lost. She also has urged the court to take into account the circumstances surrounding the commission of the offence. The loss of life is an aggravating factor.
8. In his recommendation, Mr. Edwin Boiyon, the probation officer, has pointed out that the family of the deceased are still bitter at the loss they suffered. The family of the deceased are still demanding for justice to be done.
9. The family of the accused are praying to the court to be lenient to the accused.
10. After taking into account all the mitigating, aggravating factors and the circumstances of the offence, I find that the appropriate sentence is eight years' imprisonment.
11. **Judgement signed, dated and delivered in open court at Narok this 18th day of February, 2020** in the presence of Ms. Adallah for the accused and Ms. Torisi for the state.

J. M. Bwonwong'a

Judge

18/2/2020