

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BOMET

CRIMINAL CASE NO 20 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

ERICK KIPKORIR LANGAT *alias* KIPRONO....ACCUSED

SENTENCE

1. The 2nd accused herein ERICK KIPROTICH LANGAT *alias* KIPRONO initially charged with another for murder pleaded guilty to the lesser offence of manslaughter contrary to Section 202 as read with Section 205 of the Penal Code.
2. In mitigation, defence counsel Mr. Koske submitted that the accused is a youngman aged 27 and not married. He is a first offender and remorseful. Counsel added that the accused had reflected on his life in prison and was apologetic and changed his character in prison and embraced Christianity and would not take alcohol any more.
3. A pre-sentence report was dated 4/3/2020 signed by Ezekiel Langat Probation Officer Bomet was also filed, in which it was recommended that non-custodial sentence was not appropriate as the victim's father was still very bitter.
4. I have considered that the accused is a youngman and that the incident occurred when the deceased and the accused had taken traditional liquor. A quarrel over the deceased having killed the accused's dog was the primary cause of the incident and the two fought. I have considered that the accused is a first offender and is remorseful. He has been in custody since 2017 more than 2 years now. I have also considered that the accused pleaded guilty and did not waste our time.
5. A non-custodial sentence is not appropriate as the accused used a knife to stab the deceased who was not armed. The community animosity created by the killing of the deceased by the accused justifies a custodial sentence to avert similar occurrences in the community. I must point out that the habit of taking alcohol and killing one another is a senseless habit which needs to be discouraged.
6. The maximum sentence for manslaughter being life sentence, I sentence the accused ERICK KIPKORIR LANGAT *alias* KIPRONO to eight (8) years imprisonment.

Right of appeal on sentence explained.

Dated and delivered at Bomet this 5th March 2020.

GEORGE DULU

JUDGE

5/3/2020