

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BOMET

CRIMINAL CASE NO. 12 OF 2017

REPUBLIC.....PROSECUTOR

-VERSUS-

LEONARD KIPLANGAT KIRUI.....1ST ACCUSED

BENARD KIPNGETICH LANGAT.....2ND ACCUSED

JULIUS KIPRONO CHUMO.....3RD ACCUSED

SENTENCE

1. The three accused persons were initially charged with murder contrary to Section 204 of the Penal Code.
2. They have now after a full trial been convicted of the lesser offence of Manslaughter Contrary to Section 202 as read with Section 205 of the Penal Code.
3. After they were convicted, the Prosecuting Counsel informed the court that the state had no records of previous convictions, thus all the three (3) accused persons are first offenders.
4. The court ordered the Probation Officer Bomet to file a pre-sentence report which was filed for each of the three (3) accused. The defence counsel relied on the pre-sentence reports filed. In the reports, the Probation Officer pointed at the fact that all the three(3) accused persons took alcohol as friends, and that the victim's family had left the matter to the discretion of the court and expected justice to be done. The Probation Officer recommended probation sentence for each of the three.
5. I have considered the circumstances of the offence, the fact that the three accused were convicted of a lesser offence, the fact that they are first offenders and the pre-sentence report recommends probation sentence. The reason the court reduced the offence to manslaughter was that the attack was instantaneous at a beer drinking joint. The accused also were brought to court in 2017, about 2 years now.
6. I do not think that a probation sentence is appropriate, as an innocent life was lost. The family of the deceased is looking forward to dispensation of justice by this case. I have considered all the mitigation factors, and sentence each of the accused persons to serve four (4) years imprisonment.
7. Right of appeal explained.

Dated at Bomet this 3rd October 2019.

GEORGE DULU

JUDGE