

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO. 35 OF 2011

REPUBLIC.....PROSECUTOR

VERSUS

G K L.....ACCUSED

SENTENCE

G K L, the accused herein, was initially arraigned before this court to face a charge of murder contrary to **section 203** as read with **section 204** of the **penal code**. However, the accused person executed the plea agreement dated 27th May, 2014 in which he instead pleaded guilty to the lesser charge of manslaughter contrary to **Section 202** as read with **Section 205** of the **Penal Code**. The particulars of the offence are that on the 9th day of August, 2011 at [particulars withheld] Village in Sotik District within Bomet County he killed **Hillary Langat**.

Before meting out the sentence, this court invited the accused and his counsel to outline facts in Mitigation. This court further called for a Probation Report on the accused to be filed.

Mr. Lopokoiyit learned Prosecution Counsel informed this court to treat the accused as a first offender. Mr. Koske, learned advocate for the accused stated that the accused was remorseful and that he regrets his heinous act. It is also stated that the accused being a young boy who has been in custody for two years needs to reconstruct his life if ordered to serve a non-custodial sentence. I have also considered the Probation Report prepared by the Probation Officer Sotik/Bureti/Konoin Districts. In the aforesaid report, the Probation Officer confirms that the accused is a first offender and that he committed the offence while under the influence of alcohol which he has vowed not to partake the same. It is also recommended by the Probation Officer that the community is ready to receive the accused back to society. The clan and the family are ready to forgive the accused. Both the victims and the accused's clans have commenced the process of reconciliation, compensation and cleansing according to the Kipsigis customs. After a careful consideration of the aforesaid factors, I am convinced the appropriate sentence should be non-custodial. The home environment is receptive and conducive to reintegrate the accused person back to society. I hereby order that the accused person namely **G K L** to be set free from custody and thereafter to serve two (2) years on probation under the supervision of the Probation Officer, Kericho County.

Dated, Signed and delivered in open court this 11th day of July 2014.

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J.K.SERGON

JUDGE

In the presence of:

Miss. Kivali for Director of Public Prosecutions

Mr. Koske for Accused