



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KERICHO**

**CRIMINAL CASE NO. 47 OF 2012**

REPUBLIC.....PROSECUTOR

VERSUS

DENNIS KIPROTICH LANGAT.....ACCUSED

**SENTENCE**

**Dennis Kiprotich Langat**, 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**. The particulars of the offence are that on 2nd December 2012 at Choronok Village, Menet Sub-Location, Kiromwok Location, Bomet County, the accused is said to have murdered **Anderson Kibet Korir**. Pursuant to the plea agreement dated, executed and approved on 26th June 2014, the accused pleaded guilty to the lesser offence of manslaughter contrary to **Section 202** as read with **Section 205** of the **Penal Code**. Before sentencing this court invited the accused's advocate to make submissions in Mitigation and also called upon the Probation Officer to file a pre-sentencing Probation Report.

I have considered all the relevant factors placed before this court. Mr. Mutai learned advocate for the accused urged this court to take into account the fact that the accused person has been in custody since the date of arrest on 2nd December 2012. He is also a first offender. Mr. Mutai further submitted that the accused is remorseful and regrets committing the offence which led to the deceased's death. The accused also stated that he did not intend to cause death and that he readily surrendered himself to the police station when he realized the deceased had passed on. At the time of arrest, the accused was in class 8. He has now stated that if he is placed on a non-custodial sentence he would be able to pursue his studies. The probation report filed herein shows that both the accused's parents are dead. The report shows that the community members interviewed are willing to accept back the accused. There is evidence that necessary steps have been taken to reconcile the victim's family with that of the accused. The clans of the both sides have agreed to conduct the Kipsigis Traditional cleansing ceremonies as well as compensation. After a careful consideration of all the the relevant factors, I have come to the conclusion that the appropriate sentence in the circumstances of this case should be non-custodial since the home environment is receptive, conducive and ready to re-integrate the accused person to the community.

In the end, I order that the accused be set free from custody to two (2) years probation under the supervision of the Probation Officer, Bomet County.

**Dated, Signed and delivered in open court this 4th day of July, 2014.**

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**J.K.SERGON**

**JUDGE**

**In the presence of:**

Mr. Nyaingiri for Accused

Miss. Kivali for Director of Public Prosecutions