



1. Criminal Law
2. Murder contrary to **Section 203** and **204** of the Penal Code.

**Particulars of offence**

*On the 19<sup>th</sup> day of April, 2008 at Cheramor in Kericho District of the Rift Valley Province murdered William Kiprono Chepkwony.*

- a) Plea guilty entered.

G.B.M. Kariuki J 17<sup>th</sup> June, 2008 (*adjourned*)

- b) Plea guilty entered Ang'awa J (3<sup>rd</sup> November, 2008)

- c) Hearing 20<sup>th</sup> -21<sup>st</sup> May, 2009

3. **Facts after trial**

- a. Accused went with a cutlass (*panga*) to deceased home on 19<sup>th</sup> April, 2008 at 10.00p.m to demand some moneys owed to him by deceased.
- b. Deceased had earlier arrived home and was asleep.
- c. Deceased awoken by accused quarreled an slit his throat in front of his (*deceased's*) minor daughter.
- d. Alarm raised accused escaped.
- e. Accused arrested later.

4. **Defence**

- i) That he had gone drinking with deceased.
- ii) Did go to deceased house cannot recall what occurred.
- iii) Went away. Informed of incident.

5. **Held**

- i) Guilty
- ii) Sentenced Death

6. **Case Law**

- i) **Kioko V Republic (1983) KLR 289**
- ii) **Lokoya v Uganda (1968) EA 332**

7. **Advocate**

P. Kipro State Counsel instructed by the Attorney General for the State – present

J. R. Kimeto advocate instructed by the firm of M/S Bett & co. advocates for the accused - present

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KERICHO**  
**CRIMINAL CASE 23 OF 2008**

REPUBLIC ..... PROSECUTOR  
VERSUS  
JOEL KIPKOECH LANGAT .....ACCUSED

**JUDGMENT**

**I: Procedure**

1. An information of Murder contrary to **Section 203** as read with **Section 204** of the Penal code was preferred against Joel Kipkeoch Langat.

2. The particulars of offence being :-

*On the 19<sup>th</sup> day of April, 2008 at Cheramor in Kericho District of the Rift Valley Province murdered William Kiprono Chepkwony.*

3. The accused appeared before G.B.M. Kariuki J on 17<sup>th</sup> June, 2008 and entered a plea of guilty to the offence. The matter was

adjourned to consider a lesser charge. This was and did not materialize.

4. By the time I took over the case on 3<sup>rd</sup> November, 2008 the accused still maintained a plea of guilty.
5. As was common in the past in these courts, I was of the opinion that a full trial be heard to determine the facts of the case as oppose to summary evidence.

## **II: Facts**

6. Both the accused and deceased William Kiprono Chepkwony were known to be workmates. They were Sugarcane cutters.
7. On the material evening of the 19<sup>th</sup> April, 2008, the deceased came home and went to sleep early at around 7.00p.m. PW1 the deceased widow was in the process of cooking. It was then that the accused came demanding to see the deceased. He was demanding some moneys from the deceased. The minor daughter PW6, witnessed the deceased slit her fathers throat by the neck. PW1 screamed and ran away to sleep elsewhere. The incident occurred at about 10.00p.m.
8. The police did not come to the scene until the following day at 11.00 a.m., and removed he body to the mortuary.
9. A post mortem was conducted, photographs of the body was given. PW7 and PW5 respectively.
10. The accused was not able to be traced.
11. On 24<sup>th</sup> May, 2008, the accused surrendered himself to the Songonik police station and accordingly arrested.
12. In his defence, the accused person gave evidence on oath and narrated incident of how he had gone on a drinking spree with the deceased. He did not know what occurred thereafter for three days. As of 20<sup>th</sup> April, 2008 he was very drunk. He met a village elder, who informed him of the incidents of 19<sup>th</sup> April, 2008.
13. On 20<sup>th</sup> April, 2008 a child told him he had killed.
14. In cross-examination he admits going to the deceased home but did this after drinking alcohol. He slept in the forest that night after being told on this matter occurring he went to the police himself.

## **III: Findings**

15. The prosecution has established in its facts that the deceased was in his house asleep. That the accused came demanded to see him and when he did began a quarrel with him. It has also been established that the deceased took a panga/cutlass and slit the deceased throat. He disappeared for the scene of the crime for about a week.
16. What arises herein is whether the accused had malice aforethought.
17. He raised a defence of being drunk. That he had been drinking with the deceased.
18. From the findings of this court the deceased was cut by the accused. It has been established that he had time to reflect what he was doing when a quarrel was began and instigated by him. He pleaded guilt to the offence.
19. I am satisfied that the prosecution has proved its case beyond any reasonable doubt. I convict the accused on his plea of guilty to the offence

of murder also and accordingly find him guilty of murder 306 Criminal Procedure Code.

**DATED** this 8<sup>th</sup> day of October, 2009 at **KERICHO**

**M.A. ANG'AWA**

**JUDGE**

**Advocate**

P. Kiprop State Counsel instructed by the Attorney General for the State – present

J. R. Kimeto advocate instructed by the firm of M/S Bett & co. advocates for the accused - present