



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Langat (Criminal Case 17 of 2019)
[2026] KEHC 3687 (KLR) (18 March 2026) (Judgment)**

Neutral citation: [2026] KEHC 3687 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BOMET
CRIMINAL CASE 17 OF 2019
JK NG'ARNG'AR, J
MARCH 18, 2026**

BETWEEN

REPUBLIC PROSECUTION

AND

GILBERT KIPKIRUI LANGAT ACCUSED

JUDGMENT

1. The Accused, Gilbert Kipkurui Langat was charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. The particulars of the offence were that on 29th June 2019 at Kembu Location, Bomet East Sub-county within Bomet County, he murdered Joseph Kosgei.
2. The Accused took plea on 9th July 2019 where he pleaded not guilty to the charge of murder.
3. A Plea-Bargaining Agreement was filed on 20th November 2025 and it indicated that the Accused had agreed to plead guilty to the lesser offence of manslaughter. This court accepted the Plea Agreement after interviewing the Accused and satisfying itself that he executed the Plea Agreement voluntarily and that he understood his trial rights.
4. On 20th November 2025, the Accused took plea for the offence of manslaughter. The charge and every element thereof was read and explained to him in a language he understood and he pleaded guilty. The court entered a plea of guilty for the offence of manslaughter.
5. The Facts as read by the Prosecutor and captured in the Plea Agreement are as follows: -

“On 29/6/2019 at around 0500 hours, D1, who is a neighbour to the deceased and a village mate to the suspect passed the deceased while heading home.

D1, Gideon Kipkurui Ngeno heard some screams from the back and ran to check what was happening. D1 found Joseph Kosgei (now deceased) arguing with the Accused one Gilbert Kipkurui Langat over some money. D1 decided to leave them as it was getting late.



D2, Ezra Kemboi while going to work witnesses Gilbert Kipkurui Langat sitting on the deceased who was lying on the ground and beating him (deceased). D2 stopped and asked why the Accused was beating the deceased. The suspect told him to leave them alone since the deceased had his money. D2 left them with the Accused beating the deceased.

Later D3, while heading home, found the two- Accused and deceased fighting. He informed the deceased's brother of the incident. D3 and D5 later came to the place where the two were fighting. They found Joseph Kosgei (now deceased) lying alone in a pool of blood. His left ear had been cut and his face swollen.

The deceased was rushed to Longisa County Referral Hospital for treatment and was discharged on the same date.

The following day on 30/6/2019, the deceased's health condition became worse and he was rushed to Tenwek Mission Hospital for further treatment.

On the 1st day of July 2019, in the morning, the deceased succumbed to the injuries.

Later, a post mortem was conducted and an opinion was formed that the cause of death was severe injury secondary to assault.”

6. The Accused accepted the facts as true and was convicted his on her own guilty plea for the lesser offence of manslaughter contrary to section 202 as read with section 205 of the Penal Code.

Pre-Sentence Report

7. A pre-sentence probation report was filed on 13th March 2026 and it indicated that the offence was committed when the Accused and the deceased were under the influence of alcohol. The report stated that on the material day, the Accused and deceased differed and ended up fighting and both sustained injuries. The report further stated that the deceased fell down on some hard rocks and sustained deep cuts and injuries on his head which resulted in bleeding. The deceased later succumbed to his injuries.
8. The report stated that the Accused had a drinking problem but had no criminal record. The local community condemned the offence but welcomed reconciliation between the two families. The local community stated that they had no objection to the Accused being granted a non-custodial sentence.
9. The Probation Officer recommended a non-custodial sentence.

Victim Impact Statement.

10. The victim's family stated that the Accused's family had sought forgiveness and had initiated reconciliation and down payment had been executed. The victim's family further stated that they had forgiven the Accused and had no objection to any non-custodial measures.
11. Sentencing serves multiple purposes as enumerated in the Sentencing Policy Guidelines 2023 which outline the objectives of sentencing at paragraph 1.3.1 as follows: -

Sentences are imposed to meet the following objectives. There will be instances in which the objectives may conflict with each other- in so far as possible, sentences imposed should be geared towards meeting the objectives in totality.

- i. Retribution.
- ii. Deterrence.
- iii. Rehabilitation.



- iv. Restorative justice.
- v. Community Protection.
- vi. Denunciation.
- vii. Reconciliation.
- viii. Reintegration.

12. The penal section for the offence of manslaughter is contained in section 205 of the Penal Code which provides: -

Any person who commits the felony of manslaughter is liable to imprisonment for life.

13. I have considered the circumstances of the case and the pre-sentence report. The Accused's family and Probation Officer advocated for a non-custodial sentence.

14. The Sentencing Policy Guidelines 2023 at paragraph 2.3.15 lists the factors that a court should consider when deciding to impose a custodial or non-custodial sentence. They are as follows: -

- i. Gravity of the offence: In the absence of aggravating circumstances, or any other circumstance that renders a non-custodial sentence unsuitable, a sentence of imprisonment should be avoided with respect to sentences that have been adjudged as deserving less than three (3) years.
- ii. Criminal history of the offender: Taking into account the seriousness of the offence, first offenders should be considered for non-custodial sentences except where the seriousness of the offence crosses the custody threshold (where the offence is so serious that neither a fine or community sentence can be justified).
- iii. Children in conflict with the law: Generally speaking, non-custodial orders should be imposed as a matter of course in the case of children in conflict with the law. The exception to this is in circumstances where in light of the seriousness of the offence, coupled with other factors, the court is satisfied that a custodial order is the most appropriate and would be in the child's best interest. Custodial orders should only be meted out as a measure of last resort and in accordance with the guidance provided under section 239 of the Children's Act, 2022. The court shall also issue post-committal supervision orders upon completion of the committal orders or the attainment of the age of majority where it is appropriate to so do in light of the nature of the offence and circumstances of the offender.
- iv. Conduct of the offender: Non-custodial sentences are best suited for offenders who are already remorseful and receptive to rehabilitative measures.
- v. Protection of the community: Where there is evidence that the offender is likely to pose a threat to the community, a custodial sentence may be more appropriate. The probation officer's reports should inform the court of the risk posed by the offender to the community in order to inform sentencing.
- vi. Offender's responsibility to third parties: Where committing an offender to a custodial sentence is likely to unduly prejudice others, particularly vulnerable persons who depend on them, a court should consider if, in light of the nature and seriousness of the offence, the objectives of sentencing can be met with a non-custodial sentence. The court should enquire into the offender's personal circumstances and, where appropriate, seek the assistance of a pre-sentence report.



15. This is also in compliance with Article 159(2)(c) of *the Constitution* that encourages or promotes use of alternative Justice by involving the parties to dispute resolution.
16. In the final analysis even though the victim's family had forgiven the Accused, it is my finding that this was not a suitable case for grant of a non-custodial sentence. The court notes the victim's mitigation and despite the Accused's actions being non-intentional, a life was lost unnecessarily. In my view, the Accused must serve a custodial sentence. In the end, the Accused is sentenced to serve 10 years imprisonment. The sentence to run from the date of plea taking on 9th July, 2019.

JUDGEMENT AND SENTENCE DELIVERED, DATED AND SIGNED AT BOMET THIS 18TH DAY OF MARCH, 2026.

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HON. JULIUS K. NG'ARNG'AR

JUDGE

Judgement delivered in the presence of:

Siele/Susan (Court Assistants)

Ms Koech for the State

Accused:

Kiprop Probation Officer

