



REPUBLIC OF KENYA



**Republic v Bett (Criminal Case E030 of 2021)
[2025] KEHC 5440 (KLR) (30 April 2025) (Sentence)**

Neutral citation: [2025] KEHC 5440 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E030 OF 2021**

**JK SERGON, J
APRIL 30, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

STEPHEN BETT ALIAS JOSIAH KIPYEGON ACCUSED

SENTENCE

1. Stephen Bett alias Josiah Kipyegon the Accused herein, pursuant to a plea bargaining agreement was convicted with the offence of manslaughter contrary to Section 202 as read with Section 205 of the *Penal Code* Cap 63 Laws of Kenya. The particulars of the offence are that, the accused on the 21st day of February, 2021 at Cheplel Village in Kericho East Sub County within Kericho County, unlawfully killed Alfonse Kiplangat.
2. Upon convicting the accused person for the aforesaid offence, this court directed the county probation officer to file a pre-sentence report and also invited the accused to make submissions in mitigation to guide the court in determining the appropriate sentence to be meted out.
3. Mr. Kirui, Learned Counsel for the Accused, submitted that the accused was deeply remorseful for the events that culminated in the demise of the deceased and that the accused has a history of mental illness dating back to 2018. He submitted that the accused was labouring under infirmity of the mind at the time he committed the offence and that he was examined on 24th February, 2021 soon after committing the offence and found to be mentally unstable.
4. The Learned Advocate also submitted that the accused had entered into a plea bargaining agreement to save the court time for trial and that the accused has undertaken to seek medical attention.
5. He further submitted that the families had reconciled and conducted traditional cleansing rites. The Learned Counsel submitted that the offender is a first offender and therefore urged this court to exercise leniency during sentencing and consider meting out a non-custodial sentence.



6. Mr. Masisa, the Learned Assistant Director of Public Prosecutions, stated that they did not have any previous records on the offender.
7. This court also called for a pre-sentence report. I have considered the pre-sentencing report prepared and filed by the Kericho County – Probation Officer in respect of the accused person. In the aforesaid report, it is noted that the offender hails from a humble family background which depends on casual jobs and practices subsistence farming.
8. The offender is not married and he lives with his parents at Cheplel. He holds no previous history of committing offences within the community. However, from the social inquiry has revealed that the Accused has a history of abusing illegal substances that affects his ability to function normally.
9. On the material day, it is reported that the offender attacked his younger sibling Alfonc Kiplangat causing him injuries that resulted in his death. It is suspected that the offender was under the influence of abuse of illegal drugs when the offence was committed. At the scene, he attacked other siblings causing bodily harm to them.
10. The offender regrets the offence which resulted in the death of his younger brother, however, he appeared and sounded to still be inebriated by drugs which indicates risk of recidivism.
11. On assessment, the probation officer noted that the offender still displays the effects of the said abuse of drugs and thus indicates risk of recidivism and therefore the offender is suitable for separation from the community and away from his current home environment as this will assist him get off the effects of abuse of drugs and reduce the possibility of him recidivating.
12. The victim happens to be the offender's young sibling. The two neither had an acrimonious nor a tumultuous relationship prior to the attack from the offender which caused the victim's death. The offender's mother pleaded with the court to pardon the offender alleging that as a family they have performed the necessary reconciliation and cleansing rituals.
13. However, some members of the family are not pleased with how the offender acted causing the death of the innocent boy. They pleaded with the court for justice to the victim. Similar sentiments are shared by the local administrator and villagers. They pleaded with the court to punish perpetrators of similar offences who act on the influence of abuse of illegal substances.
14. The offender is known to abuse illegal substances in the village. The local administrator recommends that courts need to punish such perpetrators, especially the ones suspected to have acted out of drug abuse influence as a deterrent measure to mitigate recurring murders in the community.
15. Based on the findings of the social inquiry and assessment, the probation officer noted that whereas some of the family members, for instance the mother, plead to court to pardon the offender. There are others in the family and community members who do not advocate for the release of the offender on a non-custodial sentence.
16. The probation officer took into account the circumstance of the offence and how the offender caused bodily harm on other siblings who tried to stop him from harming the victim and they live in fear with the presence of the offender at home.
17. The probation officer noted that living within the same environment and being suspected to continue abusing the same drugs indicated the risk of re-offending. The probation officer therefore urged this court to consider these factors and separate the offender for a while in order to steer the offender away from abuse of drugs and to create serenity among the family members.



18. This court has considered the fact that the accused person was arrested soon after committing the instant offence, he was arraigned, however, he could not immediately take plea as he was labouring under mental infirmity, he was therefore taken to hospital for medical attention. The accused was subsequently charged on 8th July, 2021 and remanded. The accused made an application to be admitted to bail and released on reasonable bail/bond terms.
19. The accused was granted a bond of Kshs. 300,000/= with a surety of similar amount, the accused was subsequently released on 17th July, 2023, the accused was in custody for two years.
20. I have considered the circumstances of the offence, submissions in mitigation and have further considered the contents of the pre-sentence report filed by the county probation officer in respect of the accused person.
21. This Court is of the opinion that the appropriate sentence in the circumstance should be a short custodial sentence. Consequently, I hereby sentence the Accused namely; Stephen Bett alias Josiah Kipyegon to serve 8 years imprisonment

DATED, SIGNED AND DELIVERED AT KERICHO THIS 30TH DAY OF APRIL, 2025

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J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Prosecutor – Maundu

Convict – Present in Person

Kirui for the Accused

