



State v Owuor (Criminal Case E002 of 2022) [2024] KEHC 7722 (KLR) (25 June 2024) (Sentence)

Neutral citation: [2024] KEHC 7722 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL CASE E002 OF 2022**

RE ABURILI, J

JUNE 25, 2024

BETWEEN

STATE PROSECUTION

AND

FREDRICK ODHIAMBO OWUOR ACCUSED

SENTENCE

1. The accused person Fredrick Odhiambo Owuor has been found guilty of the offence of murder contrary to Section 203 and convicted. He has mitigated. He is remorseful and seek for leniency. He is a first offender and a family man with two wives and six children who are school going, dependent on him. He is 41 years old. The accused prays for lenient non-custodial sentence.
2. I have considered all the mitigations and circumstances under which the offence was committed. I observe that this was a gender-based violence offence. The accused denied committing the offence or knowing the deceased Eunice Aoko and claimed that he was framed when he refused to give a bribe of Kshs 30,000 to the Investigating Officer. How he now claims that the incident occurred when they were drunk, which defence was never raised.
3. This court does not take it lightly that public officers are tarnished with claims of demanding bribes when they are simply performing their duties.
4. It is now clear that it is easy to commit an offence but difficult to admit that indeed one committed such a heinous offence. Only the accused herein knows why he murdered the deceased. This is a gender based violence case.
5. No one has any right to take away the life of another. The deceased was killed inside a house belonging to the accused and which he had rented and her body thrown into the river where it was discovered. The accused was heartless and merciless. There is no mercy that he should expect from a court of law, this not being an accidental killing.



6. Upon conviction for murder, punishment is death as contemplated in Section 204 of the *Penal Code*.
7. Albeit the sentence is not Mandatory as stated in the *Francis Muruatetu & another v Republic* [2017] eKLR case, this court can still impose death sentence having regard to the circumstances under which the offence was committed.
8. The accused has a family yes, but he should have thought about this family before committing such an offence whose punishment is well known in law.
9. I have considered the purposes of sentencing and the Sentencing Guidelines and I am not persuaded that circumstances of this case warrant non-custodial sentence.
10. The deceased too had a family that loved her. She was only 36 years old when her life was snuffed out of her.
11. Cases of femicide are prevalent. No mitigating circumstances exist in this case.
12. I hereby exercise discretion and sentence the accused person to serve Thirty-five (35) years imprisonment to be calculated from date of arrest on 5th January 2022.
13. Right of Appeal to the Court of Appeal is 14 days of today.
14. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 25TH DAY OF JUNE, 2024

R.E. ABURILI

JUDGE

