



**Republic v Lukongo (Criminal Case 11 of 2019)
[2024] KEHC 11317 (KLR) (26 September 2024) (Sentence)**

Neutral citation: [2024] KEHC 11317 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE 11 OF 2019
SC CHIRCHIR, J
SEPTEMBER 26, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

WYCLIFFE MUSA LUKONGO ACCUSED

SENTENCE

1. The Accused herein was convicted of the murder of his wife.
2. In Mitigation, through his Advocate, Mr. Otyoseno he told the court that he was remorseful, and that he was a first offender; that he was the sole provider to his 7 children. He submits that he has been in custody throughout the time in trial and he has learnt his lessons. He prays for a non-custodial sentence.
3. On the other hand, the prosecution sought for a stiff custodial sentence. It is submitted that the circumstances of the killing were bizarre; that the deceased was killed for questioning the accused's action of bringing a mistress to their matrimonial home.
4. From the social inquiry carried out by the probation officer, it is indicated that the Accused used to abuse alcohol and suffered instances of poor health. The circumstances of the Offence as presented in the social inquiry report tallies with the prosecution witnesses' accounts.
5. There was no report indicating that the Accused was a repeat offender. I will therefore treat him as a first offender, which is a mitigating factor. Remorse is equally a mitigating factor.
6. The circumstances of the offence however aggravate the Accused's crime. This was a case of domestic violence and the sentence meted out must speak to the deterrence of this vice. Further the altercation between the accused and the deceased did not warrant the infliction of such a fatal injury to the deceased. It also emerged from the evidence that despite, injuring the deceased in the early evening he never sought any medical intervention until the body was discovered in the house in the morning.



By then the accused had gone into hiding. The accused's conduct is a reflection of his devaluation of human life.

7. Taking all the foregoing into consideration, I hereby sentence the accused to 20 years in prison. The sentence to take effect from 4/2/2019 being the date when he was first arraigned in court.

8. The Accused has right of Appeal limited to the 14 days.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 26TH DAY OF SEPTEMBER 2024

S. CHIRCHIR

JUDGE.

In presence of:-

Godwin Luyundi- Court Assistant

Accused- present

Ms . Osoro for DPP

