



**Republic v Otula (Criminal Case E025 of 2022)  
[2023] KEHC 1405 (KLR) (28 February 2023) (Sentence)**

Neutral citation: [2023] KEHC 1405 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL CASE E025 OF 2022  
JN KAMAU, J  
FEBRUARY 28, 2023**

**BETWEEN**

**REPUBLIC ..... STATE**

**AND**

**CALEB OCHIENG OTULA ..... ACCUSED**

**SENTENCE**

1. The accused person was charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code cap 63 (Laws of Kenya). Upon entering a plea bargaining agreement, the court has now reduced the charge to manslaughter contrary to section 202 as read with section 205 of the Penal Code and convicted him accordingly.
2. I have looked at the facts of this case and noted that the deceased died due to complications of a love-triangle between him, the accused person and the accused person's former girlfriend. The accused person was a jilted lover with strong emotions after he has lost out on what he thought was his girlfriend to the deceased.
3. I have considered the mitigation by the counsel for the accused person that he had no criminal history and that he had a young child who needs him in life. I have also considered the mitigation by the state counsel that a life was lost and secondary victims were deprived of their loved one which affected them.
4. The court has noted the recommendation of the pre-bail report by William O Otieno probation officer, Kisumu that was dated February 28, 2023 (sic) and filed on February 27, 2023 that a non-custodial sentence was not recommended as the accused person was not remorseful and the community was against him due to his previous conduct of drug peddling and violence in the community.
5. Taking into account that the accused person caused the death of the deceased as a result of fury of his girlfriend being befriended by the deceased, that he was a first offender and that he had saved the court judicial time by plea bargaining but bearing in mind that the life of the deceased was lost needlessly as



the anger by the accused person was projected to him instead of being projected on his ex-girlfriend as she is the one who left him and the fact that the deceased's family was left without a father and husband, I am of the considered opinion that a sentence of twelve (12) years would be adequate in line with retributive justice.

6. I hereby sentence the accused person to twelve (12) years imprisonment. The period between October 24, 2022 and February 27, 2023 shall be taken into consideration at the time of computing his imprisonment terms which commences today.
7. Orders accordingly.

**DATED AND DELIVERED AT KISUMU THIS 28<sup>TH</sup> DAY OF FEBRUARY 2023**

**J. KAMAU**

**JUDGE**

