



**Republic (ODPP) v Mudoga (Criminal Case 3 of 2014)
[2023] KEHC 19411 (KLR) (30 June 2023) (Sentence)**

Neutral citation: [2023] KEHC 19411 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE 3 OF 2014**

**PJO OTIENO, J
JUNE 30, 2023**

BETWEEN

REPUBLIC (ODPP) PROSECUTOR

AND

BOAZ SAIYA MUDOGA ACCUSED

SENTENCE

1. The accused was convicted upon full trial for the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#).
2. There has been filed a pre-sentence report which captures the views of the community, family and the prisoner's antecedents and training while incarcerated. While the family support and plead for imposition of a non-custodial sentence, the victim's family is pressing for a deterrent sentence to be a lesson to others on the other side. The community abhors the accused conduct and cannot guarantee his safety and security if granted a non-custodial sentence because the matter is still fresh in their minds.
3. Taking all into account particularly the unprovoked conduct of the accused in waylaying his victim at night, the goals of sentencing in criminal justice systems and the need to deter reckless end of life, the court consider this as an apt case to mete out a sentence that will keep the accused away from community and keep him safe from harm by way of retaliation while affording him the chance to learn livelihood skills while in prison as he rethinks his life on how to be a useful citizen.
4. The court sentences him to serve a prison term of twenty (20) years calculated from the date of his arrest being the January 10, 2014.
5. Upon the termination of the prison term, the accused shall execute a cognizance to keep peace and be of good conduct for a period of four (4) years thereafter. The cognizance must be executed before he departs from prison.



DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 30TH DAY OF JUNE 2023.

PATRICK J. O. OTIENO

JUDGE

In the presence of:-

Ms. Chala for the Prosecution/State

No appearance for Luseno for the Accused

Court Assistant: Polycap

