



**Republic v Arunga (Criminal Case 18 of 2019)
[2023] KEHC 26799 (KLR) (19 December 2023) (Sentence)**

Neutral citation: [2023] KEHC 26799 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE 18 OF 2019
SC CHIRCHIR, J
DECEMBER 19, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

FREDRICK ARUNGA ALIAS ODA ACCUSED

SENTENCE

1. The accused herein was convicted for murder on 2nd June 2023. Thereafter a presentencing report was prepared and parties were given a chance to submit
2. Through his advocate Mr. Kombwayo, the accused told the court that he is a young man of 27 years with a young family and urges the court to consider a non-custodial sentence.
3. He further submits that the circumstances surrounding the crime shows that the murder was not premeditated. He is however remorseful.
4. While referring to the presentencing report, counsel submitted that the Accused is a person of good character. It is further submitted that he has no previous criminal record, and has since reconciled with the deceased's family.
5. Ms. Osoro on behalf of the Director of Public Prosecutions urges the court to balance the interest of the victim's family and that of the accused.
6. I have considered both parties submissions as well as the presentencing report. Under the [Kenya Judiciary Sentencing Policy Guidelines](#), remorse, being a first offender and seeking reconciliation with the victim's family, are all mitigating factors (see paragraphs 23.8.8, 23.8.7 and 23.8.2 respectively, of the aforesaid [sentencing guidelines](#))



7. However, this court cannot lose sight of the fact that a life was lost, as a result of the actions of the accused. The sentence meted out must speak to basic right to life of every individual and the sanctity of human life
8. Taking into consideration the aforesaid mitigating and aggravating factors, I hereby sentence the accused to 20 years in prison. The sentence will run from the date of conviction.
9. Right of Appeal- 14 days.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 19TH} DAY OF DECEMBER 2023.

S. CHIRCHIR

JUDGE

In the presence of:

E. Zalo- Court Assitant

Ms. Osoro for the state

Accused- present.

