



**State v Oyola & 2 others (Criminal Case E009 of 2021)
[2022] KEHC 11222 (KLR) (29 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 11222 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL CASE E009 OF 2021
RE ABURILI, J
JUNE 29, 2022**

BETWEEN

STATE PROSECUTION

AND

VICTOR OMONDI OYOLA 1ST ACCUSED

ANDREW OTIENO OKOTH 2ND ACCUSED

SAMUEL OYOLO OYOLA 3RD ACCUSED

RULING

1. I have considered the mitigations by the accused persons herein, the circumstances under which the offence of Manslaughter was committed.
2. I have also heard the Victim Impact Statement from the deceased’s mother. It is clear that the deceased caused a lot of trauma to the family by being a serious threat to the lives of his own siblings.
3. He met his death when his brother and friend were defending his sister who was under threat of being harmed. She sustained serious injuries as a result of being assaulted by the deceased.
4. Nonetheless, the deceased did not deserve to be killed. He should have been immobilized to face the law. Taking into account all the circumstances of this offence and punishment for Manslaughter which is up to life imprisonment, I hereby exercise discretion and sentence the 1st and 2nd accused persons herein Victor Omondi Oyola Andrew Otieno Okoth to each serve suspended prison terms of three years. The accused shall not commit any offence during the said period, otherwise they shall be brought before this court for resentencing. The 1st accused’s suspended sentence shall take into account the period he has been in remand. I so order.
5. This file is closed.



6. Orders accordingly,

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT SIAYA THIS 29TH DAY OF JUNE,
2022**

R.E. ABURILI

JUDGE

