



**State v Sijenyi (Criminal Case E035 of 2021)  
[2022] KEHC 12834 (KLR) (17 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12834 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL CASE E035 OF 2021  
RE ABURILI, J  
AUGUST 17, 2022**

**BETWEEN**

**STATE ..... PROSECUTION**

**AND**

**FREDRICK ONYANGO SIJENYI ..... ACCUSED**

**RULING**

1. Following the conviction of the accused person Fredrick Onyango Sijeny for the murder of Millicent Atieno Ogola, I have considered the circumstances under which the deceased Millicent Atieno Ogola was unlawfully killed. From the evidence on record, this was a clear case of domestic violence and gender based violence (GBV) There is no reason why the accused herein butchered the deceased to death. From the serious multiple injuries that she suffered on the body, it was indicative of the sole intention of the accused being to eliminate her completely. The deceased was a helpless lady. She ran for her life to the home of PW1 and PW3 to escape the massacre by the accused who unfortunately followed her there, dragged her back and killed her in cold blood and yet he maintains that he is innocent. That innocence is displaced by cogent evidence adduced by the prosecution witnesses against the accused.
2. This court does not believe that the accused is remorseful from his appearance. He is a dangerous deceitful person who pretends that he is innocent and that the deceased used to help him. The accused is concerned that if he is jailed, his land will be sold by his elder brother. There is no connection between the unlawful gruesome murder of the deceased Millicent Atieno Ogolla and the brother of the accused who has land issues in the accused person's family.
3. The mitigation by the accused are noted and considered but the deceased left behind children who lived and depended on her and being a widow, the accused went to inherit her only to send her to the grave quite early.



4. Punishment for murder under section 204 of the *Penal Code* is death. However, applying the sentencing guidelines espoused in the *Francis Muruatetu* case and the *Judiciary Sentencing Policy Guidelines*, I hereby exercise discretion and sentence the accused person herein Fredrick Onyango Sijenyi to serve forty (40) years imprisonment to be calculated from the date of his arrest as he has been in remand custody.
5. Right of Appeal to the Court of Appeal is guaranteed and explained to be 14 days of today. File closed
6. I so order.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 17<sup>TH</sup> DAY OF AUGUST, 2022**

**R.E. ABURILI**

**JUDGE**

