

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL CASE NO. 29 OF 2017

STATE.....PROSECUTION

VERSUS

MICHAEL OTIENO ODERO.....1ST ACCUSED

PETER ODHIAMBO ABONYO.....2ND ACCUSED

RULING ON SENTENCE

1. On 30.11.2020 this court found the accused person herein Peter Odhiambo Abonyo, guilty of the offence of Murder and convicted him accordingly.
2. After mitigation, the court ordered for a Presentence Report and the Victim Impact Statements. I have considered the mitigation by the accused persons and his advocate Mr. Ooro. I have also considered the Victim's family statements though the pre-sentence report and the entire Probation Officer's Report filed on 10.12.2020.
3. I observe that the accused is a first offender and is remorseful for the offence. He is 44 years old and is the sole breadwinner for his family and extended family of his late brother. He is remorseful and pleads for leniency.
4. The presentence report shows that the deceased's family were heavily affected by his demise in such a cruel manner. The deceased was their sole breadwinner. The deceased was a police officer and was on his tour of duty to arrest a suspect in a criminal offence. On his return, he was accosted by a mob and among them was the accused person herein who was positively identified as having attacked and seriously wounded and mutilated the deceased leaving him for dead.
5. Lawlessness is something that must be stopped at all times. People who attack a police officer who is engaged in law enforcement and to the extent of killing him must be stopped by stiffer penalties so as to deter other would be happy mobs. Police Officers are involved in the protection of citizens and their properties. They should be left to undertake their public duties without interference from the public who want to protect suspected criminals from being arrested and arraigned to face justice. The accused and his cruel accomplices decided to unlawfully kill the deceased Police Officer for the mere reason that he had gone to arrest a suspect who was one of their own.
6. Police Officers serve all to the exclusion of no tribe or gender. If the accused person is given lenient sentence, the message that goes out there is that only people from the community around this court should serve in the law enforcement or even in judicial determinations which is a dangerous thought. All citizens have the right to work and live anywhere in the country.
7. Killing Public Servants who are deployed to enforce the law and serve the people is one way of saying that crime is acceptable in this community and that anyone who enforces the law is an enemy of the people in this part of the country. That motion must stop and be stopped by this court. For the above reasons, I hereby sentence the accused person Peter Odhiambo Abonyo to serve Thirty (30) years imprisonment to be calculated, taking into account the period the he was placed into custody before being released on bond and after his bond was cancelled.

Dated, Signed and Delivered at Siaya this 25th day of January, 2021

R. E. ABURILI

JUDGE

Dated, Signed And Delivered at Siaya This 25th Day of January, 2021

R.E. ABURILI

JUDGE