

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT VOI

CRIMINAL CASE NO. 1 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

VINCENT OPIYO OUMA.....ACCUSED

JUDGMENT ON SENTENCE

1. I have considered submissions of the parties. The convict is a first offender. Although he denies committing the crime, he appears remorseful and has asked for forgiveness. He is a young man of 33 years and married with a child. He has been in prison since 13/12/2016. He prays to be jailed for 6 years.

2. On the prosecution part, Mr. Chirchir, learned counsel, prays that the convict be sentenced to death under Section 204 of the Penal Code. Counsel submitted that the convict is not remorseful. Further counsel submitted that the victim should be vindicated by the process of this Court.

3. I have considered both views. What I have noted is that the convict regrets his action. I have also noted that although this Court has found the convict guilty of murder, that offence was as a result of a fight between the accused and the deceased.

4. After considering all the factors, I am satisfied that the convict should be sentenced to a jail term of twenty (20) years with effect from the date of arrest being 13/12/2016

Right of appeal in 14 days.

DATED, SIGNED AND DELIVERED AT MOMBASA THIS 24TH DAY OF AUGUST, 2021.

E. K. OGOLA

JUDGE

Judgment delivered via MS Teams in the presence of:

Accused in person

Mr. Chirchir for DPP

Ms. Peris Court Assistant