



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KAKAMEGA**  
**CRIMINAL CASE NO. 34 OF 2012**

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**ALFRED ADONGO OSUNDA ..... ACCUSED**

**SENTENCE**

1. The Accused person herein, **ALFRED ADONGO OSUNDA** was charged with the offence of Murder which was reduced to manslaughter on plea-bargaining.
2. The circumstances surrounding the occurrence of the events leading to the death of one Stephen Odinga Oganga were well captured in the Agreement and properly and adequately presented to Court by the Prosecution Counsel, Mr. Oroni.
3. The death occurred in the process of the Accused person herein defending himself in the hands of the vicious Stephen Odinga Oganga who had gone to the Accused person's house demanding the payment of his debt amounting to Kshs. 200/=. He was both drunk and armed with a panga. As the Accused person did not have the money and sought for more time to make the payment, Stephen Odinga Oganga attacked him and in the course of the struggle, Stephen Odinga Oganga was injured by the very panga he had. The Accused person who was a friend on noticing that Stephen Odinga Oganga had been injured immediately organized and took him to hospital where he eventually succumbed to the injuries sustained.
4. On receiving mitigations, this Court ordered for a Pre-Sentence Report which has revealed that both the Accused person's family and that of the victim remain remorseful of what happened as the death was purely unintentional. The families have so far reconciled and jointly undertook the funeral rites of the victim. A traditional cleansing ceremony was equally undertaken resulting to a complete healing.
5. The Accused person was described as a humble person with no tainted character and who lived well within the community. This community is equally ready to receive him back.
6. The Accused person on his part remains remorseful for the death of his friend. The action of the Accused person taking the deceased to hospital and all the efforts undertaken by his family in reconciliation and cleansing confirms the element of remorse and good faith.
7. As the Accused person has been in custody for a period of 3 years, and in view of the circumstances of this case, the Accused person is hereby sentenced to the period he has been in custody. The upshot is therefore that the Accused person shall be forthwith set at liberty unless otherwise lawfully held.

**DELIVERED, DATED and SIGNED at Kakamega this 23<sup>rd</sup> day of July, 2015.**

**A. C. MRIMA**

**JUDGE**

**In the presence of**

**Miss Shibanda Counsel ..... For the Accused person**

**N/A .....For the State**

**Miss Selpher ..... Court Assistant**