

REPUBLIC OF KENYA

High Court at Kisumu

Criminal Appeal 75 of 2012

REPUBLIC.....PROSECUTOR
VERSUS

ERICK OMONDI ODUORACCUSED

JUDGMENT

The accused is charged with the murder of his wife one **Pamela Awuor Omondi** on 20th November 2012 at Simenya Sub Location, Ugunja District within Nyanza Province. On his own plea of guilty the accused admitted the offence.

The prosecution stated that the accused had gone to look for his wife who had run away with the children in a place called Simenya. When he arrived a commotion ensued and the accused pulled a kitchen knife and stab the deceased.

Talking into consideration the totality of this case as well as the mitigating circumstances I shall exercise the discretion of this court provided under Section 179 (1) which states:-

“179 (2) “ When a person is charged with the offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence although he was not charged with it”.

The offence of murder is consequently reduce to that of manslaughter. The defence further pleaded that this court in sentencing should consider the children who are young and have been left alone.

I shall therefore sentence the accused person to a custodial sentence of three (3) years and hope that by the time he completes he shall have learned a lesson and in particular to manage his anger and direct it to a useful cause .

Orders accordingly.

Dated, signed and delivered at Kisumu this 14th day of March 2013

H. K. CHEMITEI
JUDGE

In the presence of:

..... for the State Counsel

..... for the Respondent

HKC/aao