



**Republic v Oonde & another (Criminal Case E018 of 2024)  
[2025] KEHC 4837 (KLR) (24 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4837 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT THIKA  
CRIMINAL CASE E018 OF 2024  
FN MUCHEMI, J  
APRIL 24, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**KENNETH OMONDI OONDE ..... 1<sup>ST</sup> ACCUSED**

**PAUL OOKO OTIENO ..... 2<sup>ND</sup> ACCUSED**

**RULING**

**Brief Facts**

1. The 1<sup>st</sup> accused person pleaded guilty to a lesser charge of manslaughter following signing of the plea agreement dated 5<sup>th</sup> February 2025. The offence was said to have been committed on the 8<sup>th</sup> day of May 2024 which is confirmed by the charge.
2. The 1<sup>st</sup> accused person admitted to killing the deceased by inflicting various injuries on him by beating him and hitting him with electrical cables.
3. The facts of this case were that on the night of 5<sup>th</sup> and 6<sup>th</sup> February 2025, the deceased trespassed into Orchard Estate where Sacred Spy Security, company’s guard including the accused persons were on duty. The 2<sup>nd</sup> accused person intercepted the deceased and raised alarm calling all the guards who were on duty nearby. He proceeded to interrogate the deceased on why he was at the farm. The 2<sup>nd</sup> accused person was not satisfied with the explanation and he called the 1<sup>st</sup> accused person who was his boss. The accused persons jointly interrogated the deceased and subjected him to physical assault using crude weapons as the other guards watched. The 1<sup>st</sup> accused person hit the deceased with electrical cables severally whereas the 2<sup>nd</sup> accused person continued beating the deceased. They then escorted the deceased to Kibili Police Station. At the police station, the police officers declined to admit the deceased into police custody as he appeared unwell. The accused persons were advised to take him for medical attention. The two accused persons took the deceased to Impact Hospital where he was declared



dead due to the multiple injuries inflicted on him by the accused persons. The OCS Kibii Police Station reported the incident to DCI Juja whose officers went to Impact Hospital and commenced investigations, visited the scene whereby some weapons believed to have been used to beat up the deceased namely a white electrical cable, a plastic pipe and two black runqus. A post-mortem was conducted on 13<sup>th</sup> May 2024 that showed that the cause of death was multiple injuries due to blunt trauma.

4. The accused person accepted the offence and in mitigation, the defence counsel, Ms. Miroya told the court that the 1<sup>st</sup> accused person was aged 27 years with a wife and a young child of 1 year and 8 months. Ms. Miroya further stated that the 1<sup>st</sup> accused person is the sole breadwinner and he comes from a humble background in Kisumu County. Counsel further stated that the 1<sup>st</sup> accused person has been in custody since 6<sup>th</sup> April 2024 and he has undergone courses in rehabilitation and reform programmes in a quest to reform. Counsel further stated that the 1<sup>st</sup> accused person attended classes in prison for anger management and that he is remorseful. Further, the 1<sup>st</sup> accused person has approached the family of the deceased and tendered a written apology. Counsel therefore sought for leniency on behalf of the 1<sup>st</sup> accused person.
5. The prosecution stated that the 1<sup>st</sup> accused person did not have previous convictions. The prosecution further stated that the court ought to consider that an innocent life was lost as the 1<sup>st</sup> accused person and his colleague took the law into their own hands. Thus a custodial sentence would be appropriate to serve as a warning. Counsel for the victims, Mr. Kamande associated himself with the submissions of the prosecution and added that the deceased was 26 years at the time of his death. He supported a custodial sentence.
6. The pre-sentence reports dated 28<sup>th</sup> March 2025 was to the effect that the 1<sup>st</sup> accused person was remorseful and regrets his actions while fully acknowledging the gravity of the offence. He further stated that he is ready to address his anger issues which drove him to commit the offence and pleads for leniency for he is a first offender and the sole breadwinner for his young family. The victim's family opposed any form of leniency towards the offender believing that granting leniency would invalidate the profound loss they have suffered psychologically, emotionally and financially.
7. I have considered the factors set out in *Judiciary Sentencing Policy* in regard to sentencing and mitigation of the 1<sup>st</sup> accused person. In my considered view, a non-custodial sentence is not appropriate having regard to the circumstances of the offence. An innocent life was lost because the 1<sup>st</sup> accused person took the law into his hands instead of taking the deceased to the police station for the law to run its course. A deterrent custodial sentence is appropriate in this case to serve as a lesson to would-be offenders. However, this court considers that by the act of pleading guilty to the offence, the 1<sup>st</sup> accused person saved the precious time of the court. This is a factor that the court takes into consideration and mitigates the sentence to be imposed on the 1<sup>st</sup> accused person.
8. The record shows that the 1<sup>st</sup> accused person has been in custody since his arrest on 8<sup>th</sup> May 2024. Pursuant to Section 333(2) of the *Criminal Procedure Code*, the court will take into account this period while sentencing.
9. The 1<sup>st</sup> accused person is hereby sentenced to serve ten (10) years imprisonment to commence from the date of arrest being 8<sup>th</sup> May 2024.
10. It is hereby so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT THIKA THIS 24<sup>TH</sup> DAY OF APRIL 2025.**



**F. MUCHEMI**  
**JUDGE**

