



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Abuya (Criminal Case E019 of 2023)
[2025] KEHC 4219 (KLR) (4 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4219 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL CASE E019 OF 2023
WM MUSYOKA, J
APRIL 4, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

STEPHEN ODUORI ABUYA ACCUSED

RULING

1. I convicted the accused person herein, Stephen Oduori Abuya, on 14th March 2025, of the murder of Carren Auma Achieng. The background was that the accused and the deceased were married, and the deceased had gone back to her parent's home, after a disagreement with the accused. The accused went to her parent's home to negotiate her return to the matrimonial home. Although there was an understanding that the deceased could go back to her husband, the resolution was that that was to be on a different date. While the deceased was escorting the accused, from her parent's compound, after the meeting, the accused struck and killed her.
2. In mitigation, it was stated, by his Advocate, Mr. Ouma, that the accused person had no previous criminal record, and that he was remorseful for what had happened, and was pleading for leniency. He submitted that his infant children with the deceased had been orphaned and needed him to provide for them. He pleaded that his parents were elderly and needed his care too. He submitted that the accused was a young person of 25 years, who should be given a second chance, by way of a non-custodial sentence.
3. The Republic, through Mr. Onanda, submitted that a life was lost, and invited the court to consider the plight of the children of the deceased, about how they lost their mother through the actions of the accused. He submitted that it was the accused who caused his children to be left motherless, and he cannot now use their plight to plead for mercy.



4. I called for a pre-sentence report, and one has been filed, dated 27th March 2025. The report is positive. The accused person is portrayed as a responsible member of the society, who was viewed favourably by his family. What I find to be of concern, is the narrative that his relatives gave, in that report, about what the accused told them transpired between him and the deceased. He had allegedly acknowledged to them that he had hit the deceased, after she had said something to him that infuriated him. When he made his defence statement, on 18th October 2024, he told a different story, on oath. He denied killing the deceased, saying that she slipped on her own and suffered a fatal fall. There was lack of candour, for, it would appear, he lied to court.
5. I have considered the mitigation, the pre-sentence report and the recorded evidence. Whatever happened between the deceased and the accused is only known by the 2. I note that he denied doing anything to the deceased, which could have caused her death, and that she fell on her own. The narrative captured in the pre-sentence report, when taken against his sworn defence statement, would suggest that he is not a trustworthy person. He is the one who took himself to where the deceased was, and no one may know his real motive or intention, in making that visit. That narrative, in the pre-sentence report, in my view, could be tailored to have the court look favourably at his plight.
6. Taking everything into account, I hereby sentence the accused person, Stephen Oduori Abuya, to serve imprisonment for a period of 25 years, for the murder of Carren Auma Achieng. There is a right of appeal, to the Court of Appeal, of 14 days, from the date of this order.

DELIVERED, DATED AND SIGNED, IN OPEN COURT, AT BUSIA, ON THIS 4TH DAY OF APRIL 2025.

W MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Onanda, instructed by the Director of Public Prosecutions, for the Republic.

Mr. Ouma, Advocate for the accused person.

