



**Republic v Arogo (Criminal Case E008 of 2024)  
[2025] KEHC 6166 (KLR) (15 May 2025) (Sentence)**

Neutral citation: [2025] KEHC 6166 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT HOMA BAY  
CRIMINAL CASE E008 OF 2024**

**OA SEWE, J**

**MAY 15, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**KENNEDY OCHIENG AROGO ..... ACCUSED**

**SENTENCE**

1. The accused, Kennedy Ochieng Arogo, was initially charged with murder contrary to Section 203 as read with Section 204 of the *Penal Code*, Chapter 63 of the Laws of Kenya. It was alleged that on the night of 9<sup>th</sup> and 10<sup>th</sup> January 2024 at Kariany Village in Kodhoch West Location in Rachuonyo East within Homa Bay County, he murdered Lucas Ouko Opuge. He denied the charge and the case was fixed for hearing. In the meantime, the parties engaged in plea negotiations and filed a Plea Agreement on 20<sup>th</sup> March 2025 for the Court’s consideration.
2. Upon considering the Plea Agreement, the same was accepted and adopted; whereupon the Prosecution filed a fresh Information for manslaughter. The accused thereupon pleaded guilty to the lesser offence of manslaughter, preferred under Section 202 as read with Section 205 of the *Penal Code* and was accordingly convicted on his own plea of guilty. The matter is coming up for sentencing.
3. Section 205 of the *Penal Code* stipulates that a person who commits the offence of manslaughter shall be liable to imprisonment for life. However, it is not in every such case that life imprisonment would be warranted. The Judiciary Sentencing Policy Guidelines suggests that:

Where the option of a non-custodial sentence is available, a custodial sentence should be reserved for cases where the offence is so serious that neither a fine nor a community sentence can be justified. The length of that sentence will depend on the maximum penalty allowed by law and the seriousness of the offence and other factors set out in Part V. The court should bear in mind the high rates of recidivism associated with imprisonment and seek to impose



a sentence that is geared towards achieving the sentencing principles and objectives set out in Part I.

4. The accused addressed the Court in mitigation through his counsel. It was indicated that he is remorseful and pleads for leniency; and that he takes care of his mother. There is no doubt however that what the accused did is reprehensible, particularly considering that waylaid the deceased after their initial disagreement at the home of one Emily Auma. He then left the deceased lying on the road where he bled to death.
5. The Court called for a Pre-Sentence Report as well as a Victim Impact Statement; both of which show that the accused requires psychosocial support to promote positive behavior change and reconciliation with the family of the victim.
6. Thus, having taken all the foregoing factors into account, it is manifest that non-custodial sentence is not appropriate in the circumstances. I have also taken into account that the accused has been incarcerated since the date of his arrest. He is hereby sentenced to imprisonment for a period of 5 years, to be reckoned from the date of his arrest.

It is so ordered.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT HOMA BAY THIS 15<sup>TH</sup> DAY OF MAY 2025**

**OLGA SEWE**

**JUDGE**

