



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Alaro (Criminal Case E026 of 2024)
[2025] KEHC 6368 (KLR) (14 May 2025) (Sentence)**

Neutral citation: [2025] KEHC 6368 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT HOMA BAY
CRIMINAL CASE E026 OF 2024**

OA SEWE, J

MAY 14, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

GEORGE OMOLLO ALARO ACCUSED

SENTENCE

1. The accused, George Omollo Alaro, was 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 9th day of December 2024 at Abonga Village in Rangwe sub-county within Homa Bay County, he murdered Kennedy Odhiambo Nyabwala. He denied the charge and the case was fixed for hearing on 24th and 25th February 2025.
2. On the hearing date, it emerged that the Defence had approached the Prosecution with an offer for a Plea Agreement. The parties were given an opportunity to engage in plea negotiations as by law provided. By 20th March 2025, they had entered into a Plea Agreement which was accordingly adopted by the Court. The accused then pleaded guilty to the lesser offence of manslaughter under Section 202 as read with Section 204 of the *Penal Code* and was convicted on his own plea of guilty. The matter is coming up for sentencing.
3. As has often been stated, the objective of sentencing is manifold. At page 15 of the *Judiciary Sentencing Policy Guidelines*, some of these objectives are set out as hereunder:
 - (a) Retribution: to punish the offender for his/her criminal conduct in a just manner.
 - (b) Deterrence: to deter the offender from committing a similar offence subsequently as well as to discourage other people from committing similar offences.



- (c) Rehabilitation: to enable the offender reform from his/her criminal disposition and become a law abiding person.
 - (d) Restorative justice: to address the needs arising from the criminal conduct such as loss and damages.
 - (e) Community protection: to protect the community by incapacitating the offender.
 - (f) Denunciation: to communicate the community's condemnation of the criminal conduct.
4. Hence, although Section 205 of the Penal Code stipulates that a person who commits the offence of manslaughter shall be liable to imprisonment for life, it is not in every such case that life imprisonment would be warranted. Even where the Court is convinced that custodial sentence is the most appropriate, it is suggested, at paragraph 2.3.13 of the *Judiciary Sentencing Policy Guidelines, 2023* 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.”

5. There is no doubt that the accused has been convicted of a heinous crime. However, it is also the case that he is a first offender. He was afforded the opportunity to address the Court in mitigation through his counsel, Ms. Kimberly. Counsel conveyed the accused's remorse; and urged the Court to consider that he did not have malice aforethought or intention of injuring the deceased. Counsel also mentioned that the accused is a family man and that his wife has no job to enable her provide for the family.
6. The Court called for a Pre-Sentence Report as well as a Victim Impact Statement. Although the Pre-Sentence Report confirms that the offender is remorseful, the Victim Impact Statement shows that the family of the deceased has suffered psychological and emotional harm in addition to financial impairment as a direct result of the crime. The deceased's wife now lives in fear after the loss of her husband whom she considered the source of her security.
7. 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 in custody since his arrest in December 2024. Accordingly, the accused is hereby sentenced to imprisonment for a period of 6 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 14TH DAY OF MAY 2025

OLGA SEWE
JUDGE

