



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Onsando (Criminal Case 27 of 2023)
[2025] KEHC 7840 (KLR) (5 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 7840 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL CASE 27 OF 2023**

DR KAVEDZA, J

JUNE 5, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

DENNIS ORORA ONSANDO ACCUSED

JUDGMENT

1. The accused Dennis Orora Onsando was charged with the offence of murder contrary to section 203 as read with section 204 of the *Penal Code*, cap 63 laws of Kenya. The particulars are that on the night of 16th May, 2020 at unknown time at Karen plains at Mystica Homes in Langata sub-county within Nairobi County murdered Veronica Kerubo Ongwae. The accused pleaded not guilty to the charge following successful plea bargaining with the state, the accused pleaded guilty to lesser charge of manslaughter.
2. However, following successful plea negotiations with the state, the accused pleaded guilty to a lesser charge of manslaughter and signed a plea agreement on 28th January 2025. The accused was therefore charged with the offence of manslaughter contrary to section 205 of the *Penal Code* cap 63 Laws of Kenya. The particulars of the offence are that on 26th May, 2020 at unknown tome at Karen Mystica Homes in Langata Sub-county within Nairobi County the accused unlawfully killed Veronica Kerubo Ongwae.
3. The brief facts, as outlined in the plea agreement, are as follows. The deceased was reported missing by her sister, Sylvia, at Ngando Police Post under OB No. 05/27/05/2020. The report included a tip that her motor vehicle, registration number KCQ 644S, had been seen in Ngando being driven by an unknown individual.
4. Sergeant Gilbert Otieno and Police Constable Robert Wambugu commenced investigations, traced the vehicle, and apprehended the accused. Upon interrogation, the officers became suspicious of the



accused's responses. While they were still inside the vehicle, the accused sped off toward Ngong Forest, hooting and flashing lights, which attracted the attention of members of the public. In the resulting commotion, the officers managed to stop the vehicle and arrested the accused, detaining him at Satellite Police Station. A search of the car recovered two sets of keys and a black bag containing a Ramtons electric iron.

5. On 26th May 2020, Sylvia visited Satellite Police Station and met two friends of the deceased, Rodgers and Obama, who informed the officers that the deceased had last been seen with the accused. After initially misleading the police, the accused led them to Karen Mystica Homes, where he had been cohabiting with the deceased. Using the recovered keys, the police gained entry and noted that several electronics were missing. The accused declined to accompany the officers during the search but remained in the sitting room. Inside the bathroom, they discovered the half-naked body of the deceased, with a blood-stained bedsheet beside her. Sylvia, the deceased's sister identified the body.
6. The Directorate of Criminal Investigations at Karen took over investigations of the matter, processed the scene, and transferred the body to Montezuma Mortuary. A post-mortem was conducted by Dr. Johansen Oduor confirmed the cause of death as asphyxia due to manual strangulation.
7. In the course of the investigations, the accused led the police to Kevin Otieno Odoyo the individual who purchased the Television that the accused stole from the deceased's house.
8. The investigating officer extracted samples from the bedsheet that was recovered at the scene of crime and nail clippings from the deceased and forwarded to the government chemist for forensic analysis. The government analyst confirmed that the samples matched the DNA profile of the deceased.
9. Upon reading the facts to the accused and after confirming that the plea-bargaining process was voluntary, and that, the accused's constitutional rights had not been violated during the negotiation process, and further that he was not coerced, the court accepted the plea agreement and convicted the accused accordingly.
10. In mitigation, the accused admitted to have unlawfully killed the deceased and stated that he was under the influence of alcohol and that he was very angry at that time. He regretted that alcohol and anger led him to commit the heinous crime and asked the court for leniency. He expressed remorse and told the court that he has since undergone rehabilitation while in prison, specifically that he is now a born again Christian and produced seven certificates as exhibits. He prayed for leniency, asked to serve a non-custodial sentence.
11. Mr. Karanja, further submitted for the accused, that the accused reached out to the family of the deceased seeking forgiveness but they declined.
12. Mr. Orange for the victims submitted that the offence was first degree murder, notwithstanding that the accused pleaded to a lesser charge of manslaughter, the court should take into consideration that the victim's life was taken away without provocation.
13. The Prosecution buttressed the submissions by Mr. Orange and emphasized that cases of femicide are so rampant and the court should impose an appropriate custodial sentence.
14. Upon hearing the rival submissions by the accused, the prosecution and victims, I am convinced that the accused had a close relationship with the deceased. This is because he abandoned his wife and only child and went to cohabit with the deceased. The evidence on record, and the findings of the Probation Officer in the pre-sentence report however indicate that the accused was possessive and controlling of the deceased. It is further on record, that the accused was an alcohol abuser. It is therefore highly likely that he committed the offence while under the influence of alcohol. I say so because, a day after



committing the offence on 26th May 2020, he was reportedly seen at Ngando area in the company of Mary Ndinda, drinking chang'aa. Further still, he did not keep the electronics that he stole from the deceased house, but sold and spent the money on alcohol with the said woman.

15. The penal section for the offence of manslaughter is contained in section 205 of the [Penal Code](#) which provides: -

Any person who commits the felony of manslaughter is liable to imprisonment for life.

16. The court of Appeal in [Thomas Mwambu Wenyi v Republic](#) (2017) eKLR cited the decision of the Supreme Court of India in [Alistar Anthony Pereira v State of Maharesbtra](#) at paragraph 70-71 where the court held as follows on sentencing

“Sentencing is an important task in the matter of crime. One of the prime objectives of the criminal law is imposition of appropriate adequate, just and proportionate sentence commensurate with the nature and gravity of crime and the manner in which the crime is done. There is no straight jacket formula for sentencing an accused person on proof of crime. the courts have evolved certain principles: twin objective of sentencing policy is deterrence and correction. What sentence would meet the ends of justice depends on the facts and circumstance of each case and the court must keep in mind the gravity of the crime, motive for the crime nature of the offence and all other attendance circumstances. The principle of proportionality in sentencing a crime doer is well entrenched in criminal jurisprudence, As a matter of law, proportion between crime and punishment bears most relevant influence in determination of sentencing the crime doer. The court has to take into consideration all aspects including Social interest and consciousness of the society for award of appropriate sentence”

17. I have considered the seriousness of the offence, the principles of proportionality, deterrence, and rehabilitation, as well as the impact on the victim’s family. While the court accepts the probation officer’s assessment that the offence was not premeditated and was likely influenced by alcohol abuse, the violent killing of a woman who had offered the accused shelter calls for a custodial sentence. Although the accused has been in custody for period of five (5) years, it is my view that he requires structured counselling to address anger management and sustained rehabilitation to reduce the risk of relapse into alcohol abuse.
18. The Constitution recognises the rights of both the accused and the victims. In this case, the victims have not recovered from their loss. To release the accused after only five years in custody would undermine the interests of justice and risk conveying the impression that the court has failed to hold the accused adequately accountable for the offence committed.
19. The court is persuaded that a custodial sentence is necessary and appropriate in the circumstances as, it will allow the accused to benefit from structured rehabilitation within the prison system, and thereby address the root causes of his offending and reduced the risk of reoffending.
20. In the circumstances, I sentence the accused Dennis Orora Onsando to ten (10) years imprisonment without the option of remission. The sentence shall run from 27th May 2020 the date of his arrest, pursuant to section 333(2) of the [Criminal Procedure Code](#).

Orders accordingly.

JUDGEMENT DATED AND DELIVERED THIS 5TH DAY OF JUNE 2025

D. KAVEDZA



JUDGE

In the presence of:

Ms. Timoi for the State

Ms. Karanja for the Accused

Mr. Orenge for the Victims

Tonny Court Assistant.

