



**Otieno v Republic (Miscellaneous Criminal Application
E060 of 2025) [2025] KEHC 10569 (KLR) (21 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10569 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E060 OF 2025**

A MABEYA, J

JULY 21, 2025

BETWEEN

CHARLES OWINO OTIENO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Charles Owino Otieno was charged with the offence of murder contrary to section 203 as read with section 204 of the *Penal Code*. It was alleged that on 20/8/2010 at Ligenga Sub-location, Ugenya District within Nyanza Province, he together with another murdered George Ajode Nyabar.
2. They were tried, found guilty and convicted of the offence and sentenced to suffer death.
3. They appealed to the Court of Appeal which by its Judgment of 21/3/2025 directed that they be resentenced in view of the Muruatetu Case.
4. On 18/6/2025, he appeared before me for mitigation. I have considered his mitigation. That he is a first offender, 50 years and sickly. That his wife died while he was in custody and left 7 children who are fending for themselves. That he was incarcerated when he was 35 years and has now served 15 years in jail. I have also considered Ms. Kagali's submission on the duty of this Court when exercising its discretion in sentencing.
5. I have also considered the detailed Pre-Sentence Report dated 4/7/2025. Having considered the totality of the foregoing and the sentencing guidelines, I sentence the accused to the term already served plus One (1) year probation after his release.
6. Accordingly, he is to be released forthwith, unless otherwise lawfully held, to start serving the one (1) year probation period under the Kisumu County Probation Office.

It is so ordered.



DATED AND DELIVERED AT KISUMU THIS 21ST DAY OF JULY, 2025.

A. MABEYA, FCI Arb

JUDGE

