



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Oyeko (Criminal Case E028 of 2023)
[2025] KEHC 11110 (KLR) (Crim) (29 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 11110 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CRIMINAL

CRIMINAL CASE E028 OF 2023

K KIMONDO, J

JULY 29, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

CELESTINE ADHIAMBO OYEKO ACCUSED

SENTENCE

1. The accused pleaded guilty to the lesser but cognate offence of manslaughter under a plea agreement recorded on 30th June 2025. At the time of that agreement, three witnesses had testified against her on the original Information for murder.
2. It bears repeating that up to that stage, the accused enjoyed the presumption of innocence. The conviction for manslaughter is now based on the admitted set of facts now set out on the face of the plea agreement.
3. The accused and Brighton Litoro (hereafter the deceased) had a romantic relationship and cohabited for about two years. They then separated. On 16th March 2023 the accused made the fatal mistake of visiting the accused's house at Babadogo. There was another man in the house. According to Robert Egessa, he saw the accused and the other man beating up the deceased.
4. The reason for the assault is discernible from another witness, Fredrick Angwenyi. He heard the accused angrily telling the deceased to leave her house saying "wewe toka ama uchapwe". The deceased left after the beating but was found lying unconscious outside the nearby St Augustine Clinic with a swollen head. He died in hospital a few days later on 31st March 2023.



5. The autopsy report by Dr. J. R. Ndungu (exhibit 1) confirms that the cause of death was “bronchopneumonia in a patient with cervical spinal injury secondary to blunt force trauma” . I find that the conclusion is consistent with the facts read out at the trial and admitted by the accused.
6. Learned prosecution counsel, Ms. Kigira, produced the records of the accused indicating she is a first offender. She urged the court to consider the cruelty meted out on the deceased by the accused and another man and the impact of the offence on the victim’s family. She prayed for a suitable custodial sentence.
7. The victim’s family was not represented. But from the pre-sentencing report filed on 28th July 2025 under the hand of Margaret Aduol, Probation Officer, the deceased was only 32 and was the “social and economic pillar in the family and his wider family and father depended on him”. Although the father was open to rapprochement, there has been no such reconciliation with the accused or her family.
8. I have then considered the mitigation tendered by the accused’s learned counsel, Mr. Outa. The accused is 36 years old. She has four children from a previous union. Her husband died in 2011. She then met the deceased in 2021 and they cohabited for a period of two years. The latter union did not bear children. They separated shortly before this homicide.
9. Learned counsel submitted that the accused he accused is a first offender remorseful. Her four children above depend on her. In a word, he pleaded for leniency.
10. I have taken into account that the accused is a first offender. But she and her new flame viciously beat up the deceased. The violence has led to loss of life and unnecessary anguish to the family of the deceased. The fact that the accused and the man hit him with a blunt object on the head which made him unconscious is an aggravating factor. This is evident from the pathologist’s finding that the deceased “had traction bruises in the temporal region of the sculp bilaterally”.
11. Sentence should be commensurate to the moral blameworthiness of the offender but also guided by the nature and gravity of crime. Manslaughter is a grave felony and attracts a sentence of life imprisonment. Justice of the case demands a custodial sentence. It will also afford the accused an opportunity to further introspect and get counselling.
12. I accordingly sentence the accused to serve six (6) years in jail. The sentence shall run from 29th March 2023, the date when she was first arrested and placed in custody.
13. The accused has a right of appeal to the Court of Appeal within 14 days and as per the Rules of that Court but only on the sentence. A copy of the proceedings and sentence shall be supplied to her immediately.

It is so ordered.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 29TH DAY OF JULY 2025.

KANYI KIMONDO

JUDGE

Sentence read virtually on *Microsoft Teams* in the presence of-

Accused.

Ms. Kigira for the Republic instructed by the Office of the Director of Public Prosecutions.

Mr. Outa for the accused.

Mr. E. Ombuna, Court Assistant.

