



**Republic v Akello (Criminal Case E035 of 2024)  
[2025] KEHC 10833 (KLR) (22 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 10833 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL CASE E035 OF 2024**

**JM OMIDO, J  
JULY 22, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**PAUL WAORE AKELLO ..... ACCUSED**

**SENTENCE**

1. The Accused person herein Paul Waore Akello, was initially charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code, Cap 63 Laws of Kenya.
2. It was alleged in the particulars of the offence in the information dated 4<sup>th</sup> December, 2024 that on 19<sup>th</sup> of November, 2024 at Pawteng “B” village in Awasi area in Muhoroni Subcounty within Kisumu County, the accused person murdered Christine Akinyi Odhiambo (“the deceased”).
3. Pursuant to a plea agreement executed on 24<sup>th</sup> June 2025, the accused person pleaded guilty on his own volition to the lesser offence of manslaughter contrary to Section 202 as read with Section 205 of the Penal Code, Cap 63 Laws of Kenya. One of the advantages that a plea agreement offers is a faster resolution of the case, which benefits all the parties concerned. It also results in judicial efficiency. I thank the accused person, the learned prosecution and defence counsel.
4. From the facts presented by the Prosecution, it emerges that the deceased was the accused person’s spouse. It is further instructive from the facts that the prosecution presented that what triggered the events leading to the commission of the offence that resulted in the demise of the deceased was a phone call that the deceased received from an unnamed man that the accused believed to have been engaging in an illicit relationship with his wife, following which the deceased packed food in a hot pot with the intention of delivering it to her lover.
5. The narration by the prosecution portrays the picture that moments before the deceased received the phone call from her alleged lover, all was well between the accused person and the deceased. That



position can be discerned from the fact that the accused person had earlier given the deceased money to purchase food before proceeding to a local bar to take alcohol.

6. Considering that there is no evidence of prior disagreement between the accused person and the deceased or prior planning by the accused to kill or harm the deceased, the accused person's aggression that led to the death of the deceased was not premeditated, my view is that this was an offence or crime of passion, committed in a moment of emotional disturbance, out of anger and betrayal.
7. Although the law does not excuse crimes committed in a fit of passion, it mitigates them. A court is therefore required to consider the emotional state of the accused person as a mitigating factor.
8. The accused person presented his mitigation through his Advocate, Mr. Ochieng'. He pleads for leniency. He regrets his actions, which he says were set off and/or precipitated by the deceased's infidelity, and has expressed profound remorse. Both his counsel and the learned Prosecution Counsel, Ms. Muema, have submitted that he is a first offender.
9. The accused person, from the information presented to this court, has four young children, two of whom he sired with the deceased, who are all in school.
10. The presentence report recommends the accused person for a split sentence, a custodial sentence followed by a structure reintegration plan.
11. All considered, I reach the view that the offence was one that was impulsive, rather than meditated. I however must consider the fact that the magnitude of the offence led to loss of life, which, I opine, calls for a custodial sentence.
12. To that end then, having taken into consideration the circumstances under which the offence was committed and the mitigating factors presented herein, I sentence the accused person to serve six (6) years imprisonment, which sentence shall run from 5<sup>th</sup> December, 2024, being the first day that he was presented before the court, following which he was remanded in custody. I further order that upon his release, he will serve a probationary period for a period of one (1) year, during which period he will be subjected to a supervised reintegration process to help him resume his parental and economic duties.
13. The accused person has a right of appeal of 14 days from the date hereof.
14. This file is hereby closed.

**DELIVERED, DATED & SIGNED in open court this 22<sup>nd</sup> day of July, 2025.**

**JOE M. OMIDO**

**JUDGE**

Accused: Present.

Ms. Muema, Prosecution Counsel for the State.

Mr. Ochieng' Advocate for the Accused.

Mr. Ngoge & Mr. Juma, Court Assistants.

Court: The surety is hereby discharged. The security documents to be released to the surety.

**JOE M. OMIDO**

**JUDGE**

