



REPUBLIC OF KENYA



**Republic v Onyango (Criminal Case E019 of 2023)
[2025] KEHC 12735 (KLR) (Crim) (18 September 2025) (Sentence)**

Neutral citation: [2025] KEHC 12735 (KLR)

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

**CRIMINAL
CRIMINAL CASE E019 OF 2023**

**K KIMONDO, J
SEPTEMBER 18, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

RASHID OTIENO ONYANGO ACCUSED

SENTENCE

1. The accused pleaded guilty to the lesser but cognate offence of manslaughter under a plea agreement recorded on 30th July 2025.
2. Leah Akoth Anyango (hereafter the deceased) suffered a gruesome death following a second acid attack by the accused. The date was 10th December 2022 at Stage 17, Kayole. The two had two children but had since separated. The earlier attack occurred in 2021 and had damaged her right eye. They had settled the matter with the assistance of their respective families.
3. On the fateful day, the deceased was getting into a matatu when the accused pulled her from behind and poured acid from a container into her face. The hot liquid spilled into her chest, hands and thighs. As she screamed in pain, the accused sped off. He was on the run until 10th March 2023 when he was arrested in Ugunja.
4. According to a witness, Mary Wanjiku Waithaka (who also suffered some burns) the accused had masked his face and was singing Happy Birthday as he approached the deceased. The witness saw vapour rising from the deceased's skin who was screaming "acid, acid". The deceased was first assisted at Patanisho Hospital and later transferred to Kenyatta National Hospital where she succumbed to the burns on 1st March 2023.



5. According to the joint autopsy conducted by Dr. Walong and Dr. Livinda, (exhibit 10) the cause of death was “sepsis and 45% TBSA, mixed second and third degree burns”. I find that the conclusion is consistent with the facts read out at the trial and now admitted by the accused.
6. Learned prosecution counsel, Ms. Kigira, produced the records of the accused indicating he is a first offender. She urged the court to consider the cruelty meted out on the deceased and the impact of the offence on the victim’s family. She prayed for a suitable custodial sentence.
7. There is then the mitigation tendered on behalf of the accused by his learned counsel, Mr. Kaveke. In a synopsis, counsel submitted that the accused is very remorseful, a first offender and is taking care of the two minor children as well as his sickly parents. He added that the accused is ailing; and, regretted the offence which arose out of “a domestic misunderstanding”.
8. He submitted further that the accused has taken remedial courses in prison including Bible studies and counselling; and, that the deceased’s parents forgave the accused. Accordingly, he prayed for a lenient sentence and an opportunity for the accused to rejoin the society.
9. 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 up to life imprisonment.
10. I have taken into account all the surrounding circumstances and the fact that the accused is a first offender. But I find that his actions were cold-hearted, callous and extreme. He threw acid at the deceased as he derisively sang Happy Birthday. It resulted in serious burns assessed at 45% TBSA, mixed second and third degree burns.
11. The gory pictures produced as exhibit 2 (i) to (xiv) show extensive burns to her face, chest and legs and are a clear pointer to a slow and painful death. Two other victims suffered burns in the process. The heartlessness is exacerbated by the fact that the accused had made a similar attack in the year 2021 damaging the deceased’s right eye. These are all major aggravating factors.
12. Justice in this case can only be served by a lengthy custodial sentence. It will also afford the accused an opportunity to further introspect and get anger counselling. I accordingly sentence the accused to serve twelve (12) years in jail. In accordance with section 333 (2) of the Criminal Procedure Code, the sentence shall run from 10th March 2023, the date when he 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 him immediately.

It is so ordered.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 18TH DAY OF SEPTEMBER 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. Kaveke for the accused instructed by Kaveke Mwanja & Company Advocates.

Mr. E. Ombuna, Court Assistant.

