



**Republic v DM (Criminal Case E139 of 2021)  
[2024] KEHC 1236 (KLR) (8 February 2024) (Order)**

Neutral citation: [2024] KEHC 1236 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
CRIMINAL CASE E139 OF 2021  
PJO OTIENO, J  
FEBRUARY 8, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**DM ..... ACCUSED**

**ORDER**

1. Having adjudged the child offender guilty of the offence of murder, he stands out as a child in conflict with the law and needing care and protection.
2. On that basis the Court called for reports from directorate of Children Services as well as the directorate of Probation Services.
3. Both reports have been received and they stress non-custodial sentence with a further recommendation that the child be placed in the custody of an uncle to obviate hostility from the homefront where the offence occurred.
4. Being guided by the two reports, it is therefore ordered that the child is placed under the supervision of the County Director of Probation, for a period of three (3) years, who in conjunction with the County Directorate of Children Services shall facilitate his placement with the identified maternal uncle, so as to help him reiterate into society, get a chance to be properly brought up away from stigma and possible harm from the community that may have not fully forgiven him.
5. While in such placements the two directorates shall facilitate the child to get regular and befitting education and counselling services as a way of helping him reintegrate into society to become a useful citizen.
6. The parents are not relieved of their parental obligations and shall provide all the needs to enable access education as well as other welfare needs while he remains under the care of the said uncle.



**DATED, SIGNED AND DELIVERED AT KAKAMEGA, THIS 8<sup>TH</sup> DAY OF FEBRUARY, 2024.**

**PATRICK J. O. OTIENO**

**JUDGE**

**In the presence of:**

Ms. Chala for the Prosecution

Mr. Iddi for the Subject/Offender

Mr. Ounma for the Directorate of Probation

Mr. Nimrod for the Directorate of Children Services

Court Assistant: Polycap Mukabwa

