



**Republic v Ochieng (Criminal Case 40 of 2019)
[2024] KEHC 3887 (KLR) (3 April 2024) (Sentence)**

Neutral citation: [2024] KEHC 3887 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL CASE 40 OF 2019**

RE ABURILI, J

APRIL 3, 2024

BETWEEN

REPUBLIC PROSECUTION

AND

OCHIENG STEPHEN OCHIENG ALIAS STEVE ACCUSED

SENTENCE

1. I have considered the mitigation by the accused and his advocate Mr. Maua.
2. The accused is a first offender. He is 31 years old. He was a University student at the time of the offence but he had deferred his studies. He did part time teaching. He has a child though he is not married. He prays for leniency. He has been in prison custody from 2019 as he was not released on bond.
3. The offence committed is heinous. An innocent life was lost at the hands of accused who was her boyfriend. No reason is given for the murder of the deceased who was only 20 years old.
4. Cases of femicide are, indeed, on the rise in this country. These are Gender based violent crimes. A deterrent sentence is necessary in the circumstances.
5. The accused claims that he has undergone some theological training and that he has reformed. The question is, reformed from what, since he did not admit committing the offence for which this court has found him guilty and convicted him.
6. A young life was lost. The Victim was a Diploma Student and her family have lost one of their own. The accused shows no remorse to the family of the deceased.
7. Having considered all the above, the sentencing guidelines and the decision in *Francis Karioko Muruatetu vs Republic* [2017] eKLR, albeit punishment for murder is death as stipulated in Section 204 of the *Penal Code*, as the sentence is not mandatory, and considering the period the accused has spent in custody since his arrest, I hereby exercise discretion and sentence the accused person Ochieng



Stephen Ochieng alias Steve to serve twenty five (25) years imprisonment to be calculated from the date of his arrest on 12th November 2019.

8. Right of Appeal is 14 days to the Court of Appeal.
9. This file is now closed.
10. I so order.

Dated, Signed and Delivered at Kisumu this 3rd Day of April, 2024

R. E. ABURILI

JUDGE

