



State v Andika (Criminal Case E006 of 2023) [2024] KEHC 6049 (KLR) (23 May 2024) (Ruling)

Neutral citation: [2024] KEHC 6049 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL CASE E006 OF 2023
DO OGEMBO, J
MAY 23, 2024**

BETWEEN

STATE PROSECUTION

AND

LOVIS OWINO ANDIKA ACCUSED

RULING

1. I have considered the mitigation of the accused, basically that the accused is a first offender with no prior criminal record. That the accused and the deceased were friends and that he acted in self defence with the deceased throwing the first punch. That he is remorseful and with a family he supports. He pleaded for leniency.
2. This court has also considered the presentence report prepared and filed herein by the probation officer, stressing the fact that the accused did not premeditate the act.
3. An innocent soul was lost through the action of the accused. Deceased was breadwinner of his young family who have suffered tremendous loss as a result of the demise of the deceased. Hence the opposition by the spouse of the deceased towards any place work of the accused to a non-custodial sentence.
4. Considering the circumstances in this case, the mitigation made by the accused and the pre bail report filed herein, I am convinced that the aggravating circumstances of this case outweigh the mitigation of the accused, and that the accused deserves a custodial sentence.
5. In the circumstances, I sentence the accused to serve twenty years imprisonment. Since the accused has been remanded in custody during his trial, this sentence shall run from 13/3/2023, the date the accused was first arraigned before the court. Right of appeal explained to the accused.

DATED, SIGNED AND DELIVERED THIS 23RD DAY OF MAY, 2024.

D.O. OGEMBO



JUDGE

23/5/2023

Court

Read in open court in presence of the accused, Ms. Ndeda for the accused and Ms. Kerubo for the State.

D.O. OGEMBO

JUDGE

23/5/2024

