



**Republic v Obiero (Criminal Case E006 of 2022)
[2024] KEHC 13828 (KLR) (24 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 13828 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAJIADO
CRIMINAL CASE E006 OF 2022
SN MUTUKU, J
SEPTEMBER 24, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

BONIFACE OMONDI OBIERO ACCUSED

RULING

1. This Ruling is in respect of the sentence following a Plea-bargaining agreement proceeding following a plea of guilty by the accused person for the offence of manslaughter. The accused, Boniface Omondi Obiero, was initially charged with murder contrary to section 203 as read with section 204 of the Penal Code. After the agreement was reached, the charge of murder was reduced to manslaughter contrary to section 202 as read with section 205 of the Penal Code, to which the accused pleaded guilty.
2. The particulars of the offence are that on the 12th day of March 2022 at Olekasasi “B” area in Ongata Rongai within Kajiado County unlawfully killed Henry Onyango Agunda.
3. The facts as presented to court by the Prosecution Counsel are that the accused and the deceased were living together in Olekasasi. On the night of 12th March 2022, they disagreed and a fight between the two ensued leading to injuries on the deceased. On the morning of 13th March 2024, the accused informed Wycliff Namangala Muindi and Kalicha Duba Sora about the condition of the deceased. Wycliff alerted the village elder David Ogutu while Kalicha informed the owner of the plot where the accused and the deceased lived. The matter was reported to the police leading to the arrest of the accused. The accused explained that he hit the deceased in revenge after the deceased hit him with a metal bar.
4. The deceased was taken to Kenyatta National Hospital where he died on 19th March 2022 while undergoing treatment. The body was examined on 29th March 2022. The pathologist formed the



opinion that the deceased died as a result of head injury secondary to blunt force trauma. The postmortem report was produced as an exhibit (EX. 1).

5. The accused admitted facts as presented in court. This court found him guilty and convicted him on his own plea of guilty. In mitigation before sentence, counsel for the accused submitted that the accused is a first offender and that he is remorseful for what happened; that he is a family man, the sole bread winner with small children who live their mother in Nairobi. Counsel urged the court to take into account the time the accused spent in custody and sentence him to a lenient sentence.
6. The prosecution counsel submitted that the accused deserves a deterrent custodial sentence.
7. I have read the pre-sentence report filed in court on 9th July 2024. I have noted the circumstances of the offence and views from the family of the accused and that of the deceased. The accused has told the court that he regrets what happened. I have also noted that the report is not favourable because the accused is said to be a person of no fixed abode.
8. The accused has been in custody since April 2022 when he was presented to court. This court granted him bail but he did not raise the surety. I have taken into consideration the amount of time the accused spent in custody awaiting the conclusion of the trial.
9. The accused is hereby sentenced to serve jail term of four (4) years. Orders shall issue accordingly.

DATED, SIGNED AND DELIVERED THIS 24TH SEPTEMBER 2024.

S. N. MUTUKU

JUDGE

