



REPUBLIC OF KENYA



**Republic v Ndenga (Criminal Case E003 of 2022)
[2023] KEHC 20974 (KLR) (25 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20974 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL CASE E003 OF 2022
WM MUSYOKA, J
JULY 25, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

GODFREY ODUORY NDENGA ACCUSED

RULING

1. The accused has pleaded guilty to the lesser offence of manslaughter.
2. The facts are that he strangled the deceased with a rope. He and the deceased were to meet at some spot. She was brought to the spot by a boda boda taxi. The accused had a misunderstanding with the boda boda taxi operator. The operator threatened to kill the accused and take his wife, whereupon the accused got agitated, and a fight ensued. The operator escaped, the accused chased him, to no avail. When he came back, the accused, agitated as he was, took a rope the deceased was holding and strangled her to death with it. The body of the deceased was found out of a fish pond days later.
3. I note that the deceased had not provoked the accused in any way. His anger boiled over a disagreement with another person. Nevertheless, the crime appeared to have been committed in a fit of anger.
4. This is a borderline case, straddling the line between murder and manslaughter.
5. I have read through the pre-sentence report dated July 18, 2023. I have noted the social circumstances of the deceased, and how that might have affected him and how he related to others, inclusive of him having deep seated anger issues.
6. I have taken into account the circumstances under which the offence was committed, and the social circumstances of the deceased. I also take note of the fact that a life was unjustifiably lost, for the victim did not, from the facts, contribute or provoke her killing in anyway. The maximum penalty for manslaughter is life imprisonment.



Taking into account the circumstances in this case, I hereby sentence the accused to 25 years' imprisonment. The time spent in remand custody to be reckoned.

7. There is a right of appeal, of 14 days, against the sentence, but not the conviction.

RULING DELIVERED, DATED AND SIGNED IN OPEN COURT AT BUSIA THIS 25TH DAY OF JULY 2023

WM MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Appearances

Mr. Mayaba, instructed by the Director of Public Prosecutions, for the Republic.

Mr. Oreda, Advocate for the accused person.

