



**Republic v Olengo (Criminal Case E062 of 2022)
[2023] KEHC 19931 (KLR) (Crim) (14 July 2023) (Sentence)**

Neutral citation: [2023] KEHC 19931 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CRIMINAL
CRIMINAL CASE E062 OF 2022**

K KIMONDO, J

JULY 14, 2023

BETWEEN

REPUBLIC PROSECUTOR

AND

JUDITH KITOLI OLENGO ACCUSED

SENTENCE

1. The accused pleaded guilty to the lesser but cognate offence of manslaughter under a plea agreement recorded on April 26, 2023. By then, three prosecution witnesses had testified at the trial.
2. The accused and Clinton Imbaha (the deceased) had a rocky marriage. The accused was prone to fits of anger and would fight her husband. According to PW1, PW2 and the pre-sentence report dated July 3, 2023, she is a “hot tempered person who frequently resorted to violence, mostly towards the deceased”. The couple had separated for nearly a year. But a month after they re-united, she stabbed him to death.
3. On the night of August 24, 2022, the deceased returned home drunk. The accused refused to open the door for him and he spent out the night in the cold. In the early morning, he was let in to change but the accused was demanding some money. A confrontation ensued and ended in a deafening silence: the accused had stabbed him on the left side of the neck. The deceased was taken to Mama Lucy Kibaki Hospital but succumbed to the mortal wound.
4. The autopsy by Dr. D. Ogechi dated August 31, 2022 (exhibit 1) confirms that the cause of death was “exsanguination due to single stab wound to the left neck region”.
5. I have considered the the mitigation tendered by the accused’s counsel, Mr. Wairegi, and the pre-sentence report above-mentioned. The accused is 31 years and a first offender. She is remorseful and beseeches the court for an opportunity to re-integrate with the community. But while she pleads for a



lenient non-custodial sentence, the family of the deceased is still angst at the loss of their kin and seeks a more severe sentence.

6. Sentence should be commensurate to the moral blameworthiness of the offender but also guided by the nature and gravity of crime. The offence is grave and attracts a sentence of life imprisonment. In all the circumstances of this case, justice can only be truly served by a custodial sentence. It will also afford her an opportunity to further introspect and get guidance on anger management. I sentence the accused to six (6) years' imprisonment. The sentence shall run from August 24, 2022, the date when she was first arrested and placed in custody.
7. The accused has a right of appeal to the Court of Appeal within 14 days and as per the Rules of that court but only on the sentence. A copy of the proceedings shall be supplied to her immediately.
8. It is so ordered.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 14TH DAY OF JULY 2023.

KANYI KIMONDO

JUDGE

Sentence read virtually on Microsoft Teams in the presence of-

The accused.

Ms. M. Kigira for the Republic instructed by the Office of the Director of Public Prosecutions.

Mr. E. Ombuna, Court Assistant.

