



**Republic v Andika (Criminal Case 37 of 2020)
[2023] KEHC 20020 (KLR) (7 July 2023) (Sentence)**

Neutral citation: [2023] KEHC 20020 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE 37 OF 2020
PJO OTIENO, J
JULY 7, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

MOSES OLIYA ANDIKA RESPONDENT

SENTENCE

1. The court has had the benefit of reading the pre-sentence report prepared by Ms Grace Agevi, the Probation Officer which conveys to the court the views of those affected by the crime being; the accused’s family and the local administration. it is noted that the deceased was father to accused and was a polygamous man.
2. The court appreciates that in polygamous family set-ups the death of the polygamous, who is most cases the glue between the households at times sparks animosity. The court takes the report by the Probation Officer that the accused is not welcome at home and his safety and security may not be guaranteed, very seriously.
3. The court equally appreciates the address by the defence Counsel and that by the prosecution and determines that the circumstances herein present a case that calls for a custodial sentence to afford the accused the time to be kept away from the persons affected by the crime to avoid prospects of conflict and also accord the accused the chance to take advantage of the opportunities provided by the prison department for acquisition of livelihood skills and trade.
4. The accused is thus sentenced to serve a prison term of ten (10) years computed from the September 22, 2020 being the day he was arrested, arraigned in court and remanded in custody pending trial.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 7TH DAY OF JULY 2023.

PATRICK J. O. OTIENO



JUDGE

In the presence of:-

Ms. Chala for Prosecution

Ms. Rauto for Kombwayo for Accused

