



**Republic v Otieno & another (Criminal Case 29 of 2015)
[2024] KEHC 12268 (KLR) (9 October 2024) (Sentence)**

Neutral citation: [2024] KEHC 12268 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE 29 OF 2015
HI ONG'UDI, J
OCTOBER 9, 2024**

BETWEEN

REPUBLIC STATE

AND

MELANE AKINYI OTIENO 1ST ACCUSED

GEORGE ODHIAMBO 2ND ACCUSED

SENTENCE

1. Melanie Akinyi Otieno (1st accused) and George Odhiambo Otieno (2nd accused) were charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code and were first arraigned in court on 20th April 2015. They were convicted on 8th May, 2024 after waiting for nine (9) years.
2. Mr. G. Ogolla the defence counsel relied on the filed pre-sentencing reports for the accused persons mitigation which had been noted.
3. The 1st accused's pre-sentence report is dated 24/9/2024 and was filed on 30/9/2024 by Elizabeth Kwamboka a probation officer at Nakuru. The report is quite detailed and it confirms that the deceased was the 1st accused's husband. They were blessed with two children aged 14 years and 10 years respectively. These are minor children who need parental care which can only be offered by the surviving parent who is the 1st accused.
4. It is also noted by the court that the 1st accused recently delivered a baby while in prison custody. Prison may not be the best environment for this innocent child to grow. From the report it is indicated that the 1st accused's family and that of the deceased have continued to hold talks for purposes of reconciliation. The progress is said to be good.



5. Further presented to the court are letters/reports from Grapesyard Organization and Repacted Kenya, who were the 1st accused's employers, at one point. Annexed also are certificates showing her participation in social activities. The probation officer recommends her for probation.
6. The next pre-sentencing report is the one in respect of the 2nd accused. It is dated 27/9/2024 and was filed on 30/09/2024 by Elizabeth Kwamboka a probation officer Nakuru. It shows, he was born on 1/09/1994, and is a sister to the 1st accused and thus a brother in law to the deceased. The accused is a young man aged 30 years with a wife and two minor children. As already stated above the two families have been in talks and the deceased's family has forgiven him. There is therefore an indication towards reconciliation as the two families are related. The local administration through the chief Lanet are ready to give support to the accused persons and the two families.
7. What happened in this case was very unfortunate. I want to believe that both accused have examined their actions and the impact on their families. I have however, considered the long period this matter has taken before conclusion, as I make a determination on the sentence. Also taken into account are the ages of the accused, the accused's young children plus reconciliation being fostered.
8. I therefore place each of the accused on probation for three (3) years. They must be closely monitored by the probation office Nakuru. In the event of any breach the probation order will be vacated and an appropriate sentence issued.
9. Orders accordingly

DELIVERED, DATED AND SIGNED THIS 9TH DAY OF OCTOBER, 2024 IN OPEN COURT AT NAKURU.

H. I. ONG'UDI

JUDGE

