



**Pamaba v Republic (Miscellaneous Criminal Application 121 of 2021)
[2024] KEHC 14310 (KLR) (8 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14310 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION 121 OF 2021
RE ABURILI, J
NOVEMBER 8, 2024**

BETWEEN

EMMANUEL OTIENO PAMABA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant is Emmanuel Otieno Pamba. He was convicted of double murder vide Siaya HCR 15/2019 and sentenced to serve life imprisonment.
2. He now applies for reconsideration of the indefinite life imprisonment and in his submissions filed canvassing his application, he mitigates saying he is remorseful and regrets having participated in the crime. That he is rehabilitated and takes full responsibility for crime as charged, after a thorough soul searching.
3. That he has felt the effects of the offence over the 4 years that he has been in custody and tenders a profound apology to the state, the deceased victims' family for having taken part in committing the crime and that he is repentant that he committed the offence due to misunderstanding as a result of alcohol.
4. That he has a young family with children of school going. That he had no past criminal records and he will not repeat the offence. That he has reformed and acquired life skills as shown by annexed certificates hence the court should review his sentence and consider the period he was in custody pending trial from the date of his arrest.
5. I have considered the application and the submissions. This is one of the most cruel murders that this Court has ever come across. Had it not been for the modern technology and the meticulous investigations which tracked the convict using his motorcycle tracker and mobile phone tracker, no one would ever have known the killers of Pamela Ogola and her nephew Levis Ouma.



6. From the evidence, the convict bought a motorcycle in Bungoma town, purely for purposes of committing the double murder. He travelled with it from Busia County in Matayos area to Siaya County Umala area where he executed the two deceased persons by stabbing them severally and leaving the scene of murder back to Matayos on his motor cycle.
7. He cooked his own goose and ate it because of greed for land which never belonged to him by right or at all.
8. He even falsified documents and caused transfer of land belonging to the deceased to himself. Two innocent souls were lost. An old lady and a young boy, lives scooped out of them so painfully. Let justice prevail.
9. I find no basis upon which to revise sentence to pity such a wild animal being who mauled innocent souls. Let him be repentant for heaven not here. I dismiss the application for sentence review, for want of any residual jurisdiction. Signal to issue.
10. This file is closed. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 8TH DAY OF NOVEMBER, 2024

R. E. ABURILI

JUDGE

