

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL CASE NO. 32 OF 2017

STATE.....PROSECUTION

VERSUS

COLLINS OLUOCH OGWENO.....ACCUSED

RULING ON SENTENCE

1. I have considered the Mitigation by Mr. Ochanyo on behalf of his client the accused person and what the accused person has stated to court that he is a first offender and is remorseful. He is a healthcare professional who ought to be saving lives and not to take away life of a young promising girl VAO.
2. The accused person, to date, never told this court why he hacked the defenseless deceased to death and what could have provoked him to Murder the deceased.
3. Every person has a right to life and no one has any right to deprive another of life.
4. Having considered the mitigation by the accused person, albeit Section 204 of the Penal Code provides only one sentence where the accused is convicted of Murder which is death, nonetheless, in the spirit of the **Francis Karioko Muruatetu vs Republic [2019]e KLR** decision, which abhors mandatory death sentence, I hereby sentence the accused person **Collins Oluoch Ogweno** to serve life imprisonment. Right of Appeal is seven days explained.

Orders accordingly.

Dated, signed and Delivered at Siaya, this 4th Day of May, 2020 via skype

R.E. ABURILI

JUDGE