

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL CASE NO. 15 OF 2019

STATE.....PROSECUTION

VERSUS

EMMANUEL OTIENO PAMBA.....ACCUSED

RULING ON SENTENCE

1. I have considered the Mitigation by the accused person and his counsel's submissions that the accused is a first offender, is remorseful and is a family man with a young family. That he regrets the offence and pleads for mercy. I have also considered the address by the prosecution.

2. I have given equal consideration to the circumstances under which this heinous offence was committed against two innocent lives. The accused person is heartless and inhuman. He butchered the two deceased persons out of greed to disinherit them of their parcel of land; which he had no right or at all to inherit. He planned and executed the Murder and thought he would get away with it. Thanks to modern technology that has assisted the court to find justice for the two defenseless deceased persons. An old lady and a young life were lost without any justification.

3. Under Section 204 of the Penal Code, any person who is convicted of Murder shall be sentenced to suffer death. However, this is not mandatory sentence.

4. Nonetheless having considered the cruel manner in which the accused person butchered the 2 deceased persons to death without any mercy, I am persuaded that the appropriate sentence to be meted out is Life imprisonment to keep out of the society the accused person who is a threat to human existence.

5. Accordingly, I sentence the accused person **Emmanuel Otieno Pamba** to life imprisonment on each of the two counts of Murder.

Count I: I sentence the accused person to life imprisonment.

Count II: I sentence the accused person to life imprisonment.

The two sentences to run concurrently.

6. Right of Appeal 7 days explained.

Orders accordingly.

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

R.E. ABURILI

JUDGE