

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL CASE NO. 6 OF 2018

STATE.....PROSECUTION

VERSUS

CALVIN OMONDI OMOLLO.....ACCUSED

RULING ON SENTENCE

1. On 15th September 2020 this court convicted the accused person Collins Omondi Omollo of the offence of manslaughter contrary to section 2012 as read with section 205 of the Penal Code and reserved sentence to be imposed after mitigation and a presentencing report to be filed by the probation officer. I have heard the Mitigation by the accused person and his counsel Mr. Ariho Advocate. The accused person is a first offender. He is a young man born in 1996. I have also considered the circumstances under which the offence was committed and the fact that a young life was lost.

2. The deceased had children and other dependants who have lost her. No one has any right to deprive another of life which is sacrosanct. The right to life is guaranteed by our Constitution. The accused person together with others attempted to rape the deceased but when she resisted, they strangled her causing her death.

3. Taking into account the above and the guidelines on sentencing, I am satisfied that custodial sentence is appropriate for the accused to be reformed and rehabilitated before getting back into the society.

4. Punishment for Manslaughter is up to life imprisonment. I exercise discretion and I sentence the accused person Calvin Omondi Omollo to serve seven years imprisonment and in accordance with Section 333 of the Criminal Procedure Code, the prison sentence so imposed shall be calculated from the date of arrest of the accused person, taking into account the period already spent in custody.

5. The accused has a Right of appeal to the Court of Appeal in the event that he is dissatisfied with his judgment both on conviction and sentence. This file is closed.

6. Orders accordingly.

Dated, signed and Delivered at Siaya this 15th Day of September, 2020.

R.E. ABURILI

JUDGE

In the Presence of:

Accused person and his Counsel Mr. Ariho present virtually by Microsoft Teams

Mr. Okachi, Senior Principal Prosecution Counsel

Court Assistant: Brenda