



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISII**

**CRIMINAL CASE NO. 24 OF 2018**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**PAUL OTONGO ONDERI.....ACCUSED**

**RULING ON SENTENCE**

The accused, PAUL OTONGO ONDERI, has pleaded guilty to the offence of Manslaughter contrary to Section 202 as read with Section 205 of the Penal Code (Chapter 63 of the Laws of Kenya) after a plea bargain. The circumstances of the case were that the accused assaulted the deceased, GLADYS CHEPKETER KEMUNTO and then strangled her on 16<sup>th</sup> May 2018 at Botire Village, Mokubo Sub-location, Kenyena Sub-County of Kisii County. Investigations revealed that this was due to alleged infidelity by the deceased.

I am now called upon to impose an appropriate sentence. The record shows that the accused is a first offender and that the incident arose out of a fight that took a wrong turn. The accused is young and expresses remorse. He attempted suicide before he was saved by his relatives. On the other hand, the court cannot ignore that the life of an intimate partner was taken away by a deliberate act of strangulation. The court must express its disapproval of such an act by imposing a custodial sentence.

I accordingly sentence, PAUL OTONGO ONDERI to seven (7) years imprisonment for the unlawful killing of GLADYS CHEPKETER KEMUNTO.

**Sentence read and delivered in open Court this 11<sup>th</sup> July 2018.**

**D.S Majanja**

**Judge**

Mr. Otieno, Prosecution Counsel, instructed by Office of Director of Prosecutions

Mr. Okenye, Advocate for the Accused