



**Republic v Oketch (Criminal Case 41 of 2019)
[2025] KEHC 14435 (KLR) (14 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14435 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE 41 OF 2019
AC BETT, J
OCTOBER 14, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

ELECTINE MUSINZI OKETCH ACCUSED

RULING

1. The accused, Electine Musinzi Oketch, who was initially charged with the offence of murder, entered into a plea agreement with the Republic and pleaded guilty to the lesser charge of manslaughter, contrary to Section 202 as read with Section 205 of the Penal Code. The particulars of the offence were that on the 22nd day of June 2019, at Lukose sub-location in Kakamega East, within Kakamega County, she unlawfully killed Angela Sitati.
2. After confirmation and compliance with Section 137A of the Criminal Procedure Code, the plea agreement was adopted by this court, and the accused pleaded guilty and was subsequently convicted on her own plea of guilt.
3. The factual basis of the offence was that the deceased was a 14-year-old Standard 8 pupil at Lukose Village, and on the material day, in the company of her sister, Sharon Zaka, they went to the shopping centre in Khayega sub-location. While on the way, the deceased excused herself and told her sister that she wanted to meet her boyfriend, who was a border rider operating within the Khayega and Shinyalu area.
4. The boda-boda rider was in the company of the accused, so when the deceased passed by, he followed her, leaving the accused seated on a bench near a certain hotel along the road. The accused waited for a while, and when she saw that the boda-boda rider was not coming back, she decided to go to the shopping centre with her cousin. Due to the fact that the accused had been expelled from school because of the love affair she was having with the boda-boda rider, whom she now suspected was



- cheating on her, she was angry. In the process, she got into a scuffle with the deceased and asked the deceased whether she knew that the guy who was talking to her was her husband. When the deceased did not reply, she got annoyed, and a fight ensued between the two.
5. At this point, the accused stabbed the deceased, and the deceased fell to the ground and died a few metres from the scene. The police came and collected the body and took it to Kakamega General Hospital mortuary, upon being informed. On 2nd July 2019, an autopsy was performed on the body of the deceased by Dr Mchana, who formed the opinion that the cause of death was due to external blood loss, due to sharp force trauma following assault, which was a stab wound. Subsequent investigations established that the accused was the suspect, and she was arrested and charged.
 6. In mitigation, the accused's counsel, Mr Kombwayo, submitted that the pre-sentence report is positive. The accused has two young children, one aged 4 years and another 9 months, whom she is caring for. He urged the court to consider a non-custodial sentence, as she is remorseful and sincerely regrets the incident. He submitted that the accused has made amends with the victim's family and has been re-integrated back to the family.
 7. Ms. Chala for the Republic aligned herself with the pre-sentence report.
 8. The victim's father, Samuel Linakifa Tali, testified on oath and said that they have held reconciliation meetings with the accused and because of the familial relationship, they sat down and agreed not to proceed with the murder case since the incident was accidental. He confirmed that they were not forced into reconciliation and that he understood that once the court passed a sentence, he cannot complain again. He said that as a father of the deceased, he has the last word and that the Probation Officer interviewed him on phone and he explained what he had narrated to court and if the accused were to be discharged, he would have no complaints.
 9. I have considered the Probation Officer's pre-sentence report which recommends that the accused be considered for a probationary sentence of up to three years. On my part, I note that this was a crime of passion and that the accused committed it when she was in a tender age of 19 years. The accused and the family of the deceased are related and over and above that, she has children of tender years who need her care and protection. The accused has been attending court faithfully while on bond and even after she had been convicted, she was still able to attend court without any problem at all. She has demonstrated a willingness to reform. Despite all that, it is not lost in my mind that the deceased died at a tender age due to the accused's inability to control her temper.
 10. Taking into account the Judiciary Sentencing Policy Guidelines and the mitigating factors in this case and noting that the deceased succumbed to one stab wound, I find that the aggravating factors are less than the mitigating factors in this matter. After carefully weighing the circumstances, I find that I agree with the pre-sentence report and the parties herein, and do sentence the accused to probation for a period of three years, during which period she should undergo counselling at a station to be determined by the Supervising Probation Officer. Those are the orders of the court.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 14TH DAY OF OCTOBER 2025.

A. C. BETT

JUDGE

In the presence of:

Ms. Chala for the Prosecution

Mr. Otsyeno holding brief for Mr. K'Ombwayo for the Accused



Court Assistant: Polycap

