



**Republic v Osiago (Criminal Case E017 of 2024)
[2025] KEHC 14984 (KLR) (27 October 2025) (Sentence)**

Neutral citation: [2025] KEHC 14984 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL CASE E017 OF 2024
JM OMIDO, J
OCTOBER 27, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

EDDY OCHIENG OSIAGO ACCUSED

SENTENCE

1. Eddy Ochieng Osiago, the Accused person herein, was initially charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code, Cap 63 Laws of Kenya. It was alleged in the particulars of the offence in the information filed that on the 18th day of December, 2021 at Nyalenda area in Kisumu East Subcounty within Kisumu County, the Accused person murdered Victor Otieno (“the Deceased”).
2. The Accused person denied the charge of murder.
3. Pursuant to a plea agreement executed on 5th July 2025, the Accused person pleaded guilty on his own volition to the lesser offence of manslaughter contrary to Section 202 as read with Section 205 of the Penal Code, Cap 63 Laws of Kenya.
4. From the facts presented by the Ms. Muema, the learned Prosecution Counsel in conduct of the case, it emerges that on 18th December, 2021, the Accused person attacked the Deceased while armed with a panga and a knife and assaulted him, causing him serious injuries before fleeing the scene, which included the following (as per the post mortem report): Deep cut wound on frontal aspect of the head with exposed skull, approximately 7cm. 2 deep cut wounds on upper back approximately 7cm and 8cm; multiple linear bruises on upper back. Left shoulder cut wound approximately 8cm. Deep cut wound on left distal forearm involving muscles and tendons. Huge left occipito-parietal scalp haematoma. Massive subdural haematoma. Cut through frontal aspect of the skull.



5. From the autopsy report produced as PExh1, the cause of the Deceased's demise was severe head injury secondary to blunt object trauma to the head.
6. The Accused person has presented his mitigation through his Advocate, Mr. Mshindi. He pleads for leniency, noting that among his confederates in the offence, he is the only one alive. He expresses remorse. He is said to be a first offender. He deeply regrets his actions.
7. Mr. Mshindi states that his client was a young person of about 20 years old when he committed the offence and was susceptible to peer pressure. He says that the Accused person is a son of a single mother.
8. It is instructive from the presentence report submitted by the Probation and Aftercare Service office that the Deceased was a young person of 27 years of age who worked as a tuk-tuk driver to fend for his family – a spouse and three children.
9. The report further states that the Deceased's family is still distraught following the demise of their kin. There has been no reconciliation between the Accused person's family and that of the Deceased.
10. The report indicates that the community has a negative regard towards the Accused person due to his past bad conduct and undesirable company that he kept. They consider the security of the area to have improved with the Accused person's incarceration.
11. Although the Accused person entered into a plea agreement thus saving the court's time, the nature of injuries that are depicted in the autopsy report are indicative of an aggravated situation.
12. No doubt, the offence led to the demise of a family man. His spouse and children have been deprived of and left without the love and care of a husband and father.
13. The result of all the above is that having considered the circumstances and nature of the offence, the pre-sentence report filed and the mitigation by the Accused person, I proceed to sentence the Accused person to serve 20 years imprisonment.
14. The sentence of 20 years imprisonment shall run from 12th January, 2022, being the date that he was first presented before court and placed in custody. That is in line with Section 333(2) of the Criminal Procedure Code, Cap 75 Laws of Kenya as he has remained in custody since the time he was first presented before this court.
15. Right of appeal 14 days.
16. This file is hereby closed.

DELIVERED, DATED & SIGNED IN OPEN COURT THIS 27TH DAY OF OCTOBER, 2025.

JOE M. OMIDO

JUDGE

Accused: Present.

Prosecution Counsel: Ms. Muema.

Defence Counsel: Mr. Mshindi.

Court Assistants: **Mr. Ngoge & Mr. Juma.**

