

**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. E002 OF 2024**

**REPUBLIC-----PROSECUTOR**

**VERSUS**

**LENSA ACHIENG OWUOR-----ACCUSED**

**SENTENCING**

1. The accused person was charged with the offence of murder under Section 203 as read with 204 of the Penal Code.
2. The accused person entered into a plea agreement with the state and signed a plea agreement dated 8<sup>th</sup> August 2025.
3. The offence of murder was reduced to that of manslaughter contrary to Section 202 as read with 205 of the Penal Code.
4. The accused pleaded guilty to the charge and the facts of the matter were read out by the prosecution counsel to the accused in Kiswahili as recorded in the plea agreement.
5. The facts were that;

**“Roy Otieno. Owiti, the father of the deceased minor herein, was cohabiting with Lensa Achieng Owuor (the accused person herein) as a couple and they were blessed with two children; Tatiana Akinyi Six Years old (the deceased minor herein), and one year old daughter, Tash Achieng.**

**The family was residing in Dandora phase four, Mabatini area within Nairobi County:**

**On 11'h December 2023 at around 1840hrs, the accused person had gone outside to pour water and when she went back to the house she**

found the deceased beating the One year old. She became angry and picked up a wire in the house and strangled the deceased to death.

When the accused came to her senses and realized that she had killed her daughter, she took her and placed her on the couch as if she was sleeping.

Roy Otieno returned home from work and found Tatiana Akinyi lying down on the couch. The accused person was in the house as well as Tash Achieng.

Roy Otieno asked the accused what was wrong with the deceased and the accused informed him that the deceased had chest problems and was sick, that's why she was lying on the couch.

Roy Otieno gave the accused one hundred and fifty shillings to go to the shopping Centre and buy medicine for the deceased and food for supper.

The accused went out and came back from the shopping Centre with the food only and she informed the father of the deceased that the money was not enough to buy the medicine.

The accused person prepared the meal and served it to herself, Roy Otieno and Tash Achieng. Roy Otieno then questioned the accused as to why she did not serve the deceased food and the accused did not answer. Roy Otieno then approached the deceased with the intention of giving her food. Upon touching her body, he realized it was cold and he then placed his hand on her chest to feel the heartbeat. He realized that the deceased was dead.

The father then started questioning the accused on what she had done to the deceased. He called their neighbor by the name Claudio Otieno Odongo.

The father of the deceased then told the neighbor that the accused had done something to the child since the child was non responsive and appeared dead.

Claudio Otieno started asking the accused what had happened since she noticed a black spot around the neck of the deceased, t h e accused answered that the deceased was sick.

Glaudia Otieno called another neighbor and upon checking the deceased's neck properly, they confirmed that the child was dead. The neighbor immediately told the accused that she had strangled the deceased.

The father to deceased started assaulting the accused asking her why she had killed their daughter. Neighbors surrounded the house and were lamenting that they heard the accused beating the deceased and soon after the beating everything went quiet and that the accused never went out again until after the father of the deceased came back from work.

The accused person and Roy Otieno were told to go and report the matter to the police which they did vide OB No. 7/12/12/2023 at Dandora police station. However, they reported that deceased died at home from chest ailment.

When the Investigating Officer visited the crime scene, he found members of the public who wanted to lynch the accused.

The Investigating officer also saw that the deceased's body which indeed had a rope like line around her neck and they further recovered the killer weapon which was an electrical wire that was red in colour measuring about three meters long.

The Accused person together with her husband were arrested and taken to Dandora police station.

On 13 December 2023 investigating officer through the Office of the DPP filed a miscellaneous criminal application E1571/23 at Makadara Law courts for custodial orders and was granted 14days to complete investigations.

On the 18 December 2023, a post mortem was conducted and it was ascertained that the cause of death was Asphyxia due to neck compression.

**The accused person was then charged with the offence of murder which upon entering into a plea agreement was reduced to Manslaughter.**

6. The accused person when called upon to respond to the facts she admitted them as being the correct. The accused was thus convicted for the offence of Manslaughter contrary to Section 202 as read with 205 of the Penal Code.
7. The court upon convicting the accused, was informed by the prosecution counsel that the grandmother of the deceased Carolyne Atieno Owago was in court and she had requested to give her views on the matter as a victim in line with Section 9 (1) (c) of the Victim's Protection Act.
8. The court allowed Carolyne Atieno Owago to take the stand and on oath she told the court that the accused person left behind a small child aged 3 years under her care. The grandmother pleaded with the court to release the accused back to the society so that she could go and take care of her child because she was unable to fend for the child.
9. The old lady told the court that she is unemployed and does small scale farming which can hardly provide enough resources to take care of her needs and those of the minor.
10. The court was also informed that the man who lived with the accused as her husband vanished immediately after the incident and did not even attend the burial of the deceased.
11. Carolyne Atieno Owago further told the court that she has been to the prison and counseled the accused on anger management.
12. The court called for a presentence report which was prepared by Esther Mwalili probation officer Milimani High Court on the 27<sup>th</sup> October 2025.
13. The report indicates that the family of the accused is prepared to receive her back to the society. However, the officer noted that the accused requires counselling on drug and substance abuse, grief and loss, negative peer influence, sensitization on the rule of law and provide her with the

necessary life skills in areas of decision making, anger management, assertiveness, self-awareness and responsible living.

14. According to the probation officer rehabilitation of the accused on probation would be challenging given the shaky family background, abode issues and lack of an integration plan.
15. The accused person's counsel pleaded with the court for a non-custodial sentence. Counsel told the court that the accused person is basically 22 years old and has a 3year old child who needs her care and attention. Further, counsel told the court that the accused is remorseful and that she is a first offender who deserves another chance in life.
16. The accused person was said to have been intoxicated on the date of the incident and that she was also emotionally distressed.
17. According to counsel, the incident was provoked by the action of the deceased beating up the 3year-old child. The accused was also said to have had smoked bhang thus her judgment was impaired.
18. The accused was also said to have been in custody since 12<sup>th</sup> December 2023 and that during the period she is said to have benefitted from counselling.
19. The accused person's counsel urged the court to consider that the accused is a young mother who out of poor judgment committed the heinous act of killing her own child and has fully accepted responsibility.
20. The accused person pleaded with this court to consider imposing a non-custodial sentence to allow the accused to resume the duty of fending for her young child.
21. The offense of manslaughter attracts a maximum sentence of life imprisonment.
22. The matter of sentencing however remains at the discretion of the trial court. The circumstances surrounding the commission of the offence and

- the circumstances of the offender are matters that the court would ordinarily take into account in deciding the appropriate sentence to impose.
23. Life imprisonment will be imposed in those gory cases where the accused person is shown to have brutalized the deceased and the attendant circumstances are indicative of a person who should not be allowed to rejoin the community of civilized men during his life time. An accused person who uses extreme violence and brutality would be a candidate for life imprisonment. The Court of Appeal in **Bernard Kimani Gacheru vs Republic {2002} eKLR** emphasized that sentencing is a matter left to the discretion of the trial court and it must depend on the facts of a case.
  24. The sentencing court is under duty to consider the mitigating circumstances of a case in determining the appropriate sentence to impose. See **Juma alias Mercy vs Rep (Criminal Appeal 166 of 2020) {2025} KECA 1439**
  25. The accused person in this case is a young mother who appears from the report of the probation officer to have had fallen into the bad habits of drug and substances abuse. It is not denied that she was given to taking alcohol and smoking bhang.
  26. The accused person is also alleged to have been drunk at the time she committed the offence. The court also notes that she is a young person who requires serious rehabilitation in order to quit her bad habits of alcohol and drug abuse.
  27. The court acknowledges that the issue of drug and substance abuse is an existential threat to our youth and unless the state takes drastic and decisive steps to address the menace we are headed for dark times and the youth of this country stands at the risk of being ravaged by drugs thus robbing the country of its great potential of the youth contributing meaningfully to development.

28. It is sad that the accused person in this matter took the life of her innocent child. Her conduct after the occurrence of the incident points to a person who was oblivious of the gravity of what she had just done.
29. To settle for a meal immediately after killing a person and placing them next to you is shocking to the mind of a reasonable man of sound mind.
30. The accused in this courts view must have been numbed by the substances she had consumed to a point that she did not consider the death a serious matter.
31. It is clear to me that even though the accused has pleaded guilty to manslaughter and has offered some forceful mitigation, she nevertheless deserves to serve some custodial sentence which will offer her further opportunity for reform.
32. Accordingly, the accused person shall serve a prison term of 7 years which shall be computed which shall be computed from the date of her arrest on 12<sup>th</sup> December 2023.
33. The accused has a right of appeal against sentence with 14 days from today.
34. It is so ordered.

**DATED, SIGNED and DELIVERED IN VIRTUAL COURT at NAIROBI**  
this 18<sup>th</sup> day of **DECEMBER 2025.**

**A. M. MUTETI**

**JUDGE**

**In the presence of:**

---

**NAIROBI HC CRIMINAL CASE NO E 002 OF 2024- Rep -vs- Lensa Achieng  
Owuor**

Ombuna: Court Assistant

Ms Njoroge for State

Ms Makila for the Accused

Original Copy