

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NO. 3 OF 2019

REPUBLIC

PROSECUTOR

VERSUS

EDWIN OMBUI MAISO.....

.....ACCUSED

RULING ON SENTENCE

1. **Edwin Ombui Maiso** was initially charged with the offence of murder contrary to section 203 as read with section 204 of the penal code. This was in the year 2019.
2. Later, following a plea bargain agreement the charge was reduced to “Accessory after the fact of murder contrary to section 222 of the penal code”. He admitted the charge and facts and was convicted on 29th October, 2025.
3. The court called for a pre-sentencing report which was filed on 27th November, 2025. The accused was found unsuitable for a non-custodial sentence because of his criminal record. The report shows that the accused is a repeat offender.
4. He was convicted of Manslaughter in Kisii HCR Case No. 16 of 2016 where he was sentenced to two (2) years suspended sentence. Secondly there are two Assault cases vide Kisii

OB/30/5/11/2018 and OB/4/13/12/2018 whose results were unknown. It is clear the community and the victim's family are still bitter with the accused.

5. In mitigation M/s Ngugi for the accused submitted that the accused is very remorseful. She added that the accused has been in custody for 6 years and has learnt a lot and has even reformed.
6. Mr. Wakasiaka SC opposed a non custodial sentence. Counsel submitted that the accused through a plea bargain was sentenced to a suspended sentence of two (2) years. He committed the current offence three (3) years after the suspended sentence. He mentioned that the administration and the deceased's family are not ready for him.
7. I have carefully considered the record herein, and in particular the facts of this case, which are terrifying. The accused's accomplice who was the 2nd accused herein (Jeniffer Kwamboka Maroko) died on 16th September, 2021 and a death Certificate No. 1213766 was produced herein on 25th October, 2021. The case against her was on 26th October, 2021 was marked as abated.
8. It is not disputed that the accused is a repeat offender. He is aged 27 years old. It means he was aged about 21 years old at the time of commission of this offence. He had committed a similar offence when he was below eighteen (18) years.

9. From the accused's conduct and the pre-sentence report it is for his own safety that he is not given a non-custodial sentence for now.
10. One convicted under section 222 of the Penal Code is liable to imprisonment for life.
11. I have considered the mitigation by the defence, submissions by the prosecution, the pre-sentence report, the law and the circumstances under which the offence was committed. I sentence the accused to fifteen (15) years imprisonment. The sentence to run from 30th January, 2019 when he was first presented to court since he was not released on bond. Right of appeal explained.
12. Orders accordingly

Delivered, dated and signed this 17th day of December, 2025 in open court at Nakuru.

**H. I. ONG'UDI
JUDGE**