



REPUBLIC OF KENYA



KENYA LAW
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**Republic (DPP) v Odinga (Criminal Case E136 of 2021)
[2025] KEHC 19051 (KLR) (19 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 19051 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE E136 OF 2021**

AC BETT, J

DECEMBER 19, 2025

BETWEEN

REPUBLIC (DPP) PROSECUTOR

AND

JOHN INZOFU ODINGA ACCUSED

RULING

1. The Accused was convicted for murder contrary to Section 203 as read with Section 204 of the Penal Code after a trial in which the prosecution adduced evidence through nine witnesses.
2. In mitigation, the Accused said that he was 34 years old and has been in custody since the year 2021. He is a father of three children of tender years the eldest of whom is 8 years old. He submitted that the youngest child, who was born after his arrest, has never seen him and that the presence of a father would help her grow into a responsible person in the society. The Accused submitted that during his time in custody, he has acquired three certificates in Theological studies which demonstrate that he is willing to change. Ms. Wilunda submitted that the Accused is the sole breadwinner of his family which includes his aged parents and prayed for leniency on account of the fact that the positives outweigh the negatives in the report.
3. Ms. Chala for the Republic submitted that the pre-sentence report is not positive as it is indicated that the community is still hostile towards him. She stated that the offence was heinous in that the victim was a young girl whose life was cut short. The manner in which she was killed and dumped demonstrated the seriousness of the offence. She prayed that the court hands down a sentence that will be proportionate to the gravity of the offence.
4. The Probation and After Care Service filed a pre-sentence report dated 1st September 2025.
5. The pre-sentence report depicts the Accused as a man who is still adamant on denying the offence despite the conviction. He did not demonstrate any remorse despite pleading for leniency. The pre-



- sentence report indicates that the Accused did not exhibit any evidence of sincere repentance, nor did he express the willingness to apologise for the crime or compensate the victim's family.
6. The victim's family were deeply traumatized by the loss of their 17 years old daughter who was a Form 4 student. Their futile search for the victim hours after her phone was switched off is a testament of the anguish they must have undergone.
 7. The maximum penalty for murder as prescribed by Section 204 of the Penal Code is death. Previously, murder attracted a mandatory death sentence. However, the Supreme Court declared the mandatory death sentence for murder unconstitutional. See *Muruatetu & Another v. Republic, Katiba Institute & 5 others (Amicus Curiae)* [2017] KESC 2 (KLR).
 8. After the Supreme Court pronounced itself, the court now has discretion to impose such penalty as it deems fit after considering the aggravating and mitigating factors presented to court.
 9. The Judiciary Sentencing Policy Guidelines 2023 provides the objectives of sentencing as follows:-
 - i. Retribution: To punish the offender for their criminal conduct in a just manner.
 - ii. Deterrence: To deter the offender from committing a similar or any other offence in future as well as to discourage the public from committing offences.
 - iii. Rehabilitation: To enable the offender to reform from his/her criminal disposition and become a law-abiding person.
 - iv. Restorative justice: To address the needs arising from the criminal conduct such as loss and damages sustained by the victim or the community and to promote a sense of responsibility through the offender's contribution towards meeting those needs.
 - v. Community protection: To protect the community by removing the offender from the community thus avoiding the further perpetuation of the offender's criminal acts.
 - vi. Denunciation: To clearly communicate the community's condemnation of the criminal conduct."
 10. I have considered the Accused's mitigation and the pre-sentence report. It is worth noting that in her submissions to court, the Accused's Counsel did not express remorse or seek forgiveness on his behalf. This is a reflection of the Accused's overall attitude.
 11. In meting out its sentence, the court must balance between the rights of the victim's family and the fate of the Accused's young children. However, the right of the Accused's children should not override those of the victim's family.
 12. Every opening or closing day, millions of parents rely on public means of transport to convey their young children to various schools across the country. These means of transport include motor cycles, popularly referred to as boda bodas. It is every parent's expectation that the boda boda riders will carry their children to their home safely. Unfortunately, people like the Accused prey on the young children. No one will ever know what transpired before the Accused's victim died. What is clear is that the Accused caused her death. Not only did he abduct her and strangle her, he also dumped her in the river after her death.



13. The victim's family suffered immensely due to the loss of a young promising daughter and with the lack of remorse on the part of the perpetrator, the court must impose a punitive and deterrent sentence. The sentence should serve as a lesson to all boda boda riders that they must keep their passengers safe. In the course of serving the sentence, hopefully the Accused will acknowledge his guilt and take positive steps to reform. A custodial sentence would also help the victim's family to attain a sense of justice.
14. Consequently, I sentence the Accused to serve forty (40) years imprisonment. The sentence shall run from 7th October 2021 when he was first placed in custody as provided under Section 333 (2) of the Criminal Procedure Code.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 19TH DAY OF DECEMBER 2025.

A. C. BETT

JUDGE

In the presence of:

Ms. Chala for the Prosecution

No appearance for Ms. Wilunda for the Accused

Court Assistant: Polycap

