

**SENTENCE**  
**HCCR E025 OF 2021**



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NYAMIRA**  
**CHERERE-J**  
**HCCR E025 OF 2021**

**DIRECTOR OF PUBLIC PROSECUTIONS.....**  
**REPUBLIC**  
**AND**  
**ERICK ONSINYO KEBIRO .....**  
**ACCUSED**

**RULING ON SENTENCE**

1. The Accused, Erick Onsinyo Kebiro, stands convicted of the offence of manslaughter contrary to section 202 as read with section 205 of the Penal Code, following the judgment of this Court delivered on 01<sup>st</sup> November 2025.
2. The offence was committed on 4th September 2021 at Bokariang'a Village, Charachani Sub-Location, Keera Location in Manga Sub-County within Nyamira County, when the Accused unlawfully assaulted Kepha Ombachi Ochengo, causing severe head injuries from which the deceased later died.
3. Upon conviction, the Court called for a Pre-Sentence Inquiry Report. The report dated 20<sup>th</sup> January 2026 was filed and

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considered together with the mitigation by the Accused and the submissions by the prosecution.

4. The report confirms that the Accused is a first offender, expressed remorse, and has family and community support. It further concludes that while a non-custodial sentence is unsuitable, a lenient custodial sentence would be appropriate.
5. I have considered the circumstances of the offence as established at trial. Although malice aforethought was not proved to the standard required for murder, the Accused acted unlawfully and with knowledge that his conduct was likely to cause grievous harm, resulting in the loss of human life.
6. I have taken into account the mitigating factors, including the Accused's status as a first offender, his remorse, and the fact that he has been in continuous custody since he was arraigned in court on 27<sup>th</sup> October 2021, a period of four (4) years, two (2) months, and twenty-five (25) days as at the date of sentence
7. I have weighed these factors against the aggravating circumstance that the offence resulted in death. I am satisfied that the period already served in custody sufficiently meets the objectives of punishment, deterrence, accountability, and rehabilitation.

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8. In addition, and in keeping with Article 50(2)(p) of the Constitution, the Court is enjoined to impose the least severe sentence appropriate in the circumstances. Applying the principle of proportionality, I find that any further incarceration would be excessive and would not advance the interests of justice.

9. Accordingly, pursuant to section 333(2) of the Criminal Procedure Code, I sentence the Accused, Erick Onsinyo Kebiro, to the period already served in custody.

10. The Accused shall therefore be released forthwith, unless otherwise lawfully held.

**DELIVERED AT NYAMIRA THIS                      21<sup>st</sup>                      DAY OF**  
**January                      2026**



**WAMAE.T. W. CHERERE**  
**JUDGE**

**Appearances**

**Court Assistant    - Hilda**

**Accused                      - Present**

**For Accused                      - Ms. Shilwatso**

**For the DPP                      - Mr. Chirchir (SADPP)**