



**Republic v Anyele (Criminal Case E035 of 2023)  
[2026] KEHC 787 (KLR) (26 January 2026) (Sentence)**

Neutral citation: [2026] KEHC 787 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
CRIMINAL CASE E035 OF 2023**

**AC BETT, J  
JANUARY 26, 2026**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**DICKSON ANYELE ..... ACCUSED**

**SENTENCE**

1. The Accused was charged with murder contrary to Section 203 as read with Section 204 of the Penal Code. The information stated that on the 20<sup>th</sup> day of August 2023, at Itukhula Village, Eregi Location in Kakamega South Sub-County within Kakamega County, he murdered Philip Sambaya Shilewa.
2. After entering into a Plea Agreement with the Prosecution, the Accused pleaded guilty to the reduced charge of manslaughter. The factual basis of the offence, as set out in the Plea Agreement, which was adopted by the court, was that on the material date, the deceased was patrolling his sugarcane plantation located within Itukhula Village when he came across the Accused, whom he suspected of stealing his sugarcane. He confronted the Accused, and in the process, the Accused assaulted the deceased with a panga, whereby the deceased sustained a fatal head injury.
3. In mitigation, the Accused stated that he had turned 18 years at the time he committed the offence. He expressed remorse and pleaded for a lenient sentence. He submitted that his social background largely contributed to the offence, as his father was already facing a murder charge, and this contributed to his reaction to the confrontation with the deceased. He pointed out that he had been in custody since August 2023, when he was initially charged with the offence of assault and pleaded guilty. He submitted that he was a first offender and was ready to change his behaviour and prayed that the court consider the two (2) years and five (5) months that he had been in custody as time served.
4. The Prosecution aligned itself with the pre-sentence report, which noted that the Accused was not fit for a non-custodial sentence. The report confirms the Accused person's averment that his father



is facing a murder trial. When interviewed for purposes of the report, the Accused's father pleaded for leniency for his son due to his concern that the family would be negatively impacted by the incarceration of both father and son.

5. The report further noted that the charges originated as a case of grievous harm that escalated to murder after the victim succumbed to the injuries. The victim's family emphasized that the loss of the deceased had caused them severe trauma and deep emotional and financial loss, as the deceased was the sole breadwinner of the family. They prayed for a harsh and exemplary sentence as a form of retribution and to help protect the community.
6. On its part, the community, through the local leaders, observed that the Accused was a habitual offender who had escaped arrest through mediation and reconciliation at the local level. They also expressed concern over the Accused's association with known troublemakers. They hoped that the court would impose a sentence that would prioritize community safety, justice for the deceased's family, and the restoration of public confidence in the law.
7. I have carefully considered the mitigation and the pre-sentence report. The Accused saved the court time by entering into the Plea Agreement. He is a first offender and was relatively immature at the time of the offence, as it appears that he had just attained the age of 18 years. He is deeply remorseful, as is evident from his submissions and the pre-sentence report. However, he took away the life of a fellow human being who was rightly guarding his property. He did so while committing a felony, as he was suspected of stealing the victim's sugarcane after being found inside the plantation while armed with a panga. As a result of his action, the victim's family has suffered profound loss.
8. In determining an appropriate sentence, the court must balance the principles of justice, deterrence, and rehabilitation. The offence calls for a deterrent sentence. Having taken into account the entire circumstances and the relevant principles of punishment, I sentence the Accused to ten (10) years' imprisonment. The sentence shall run from 28<sup>th</sup> August 2023, when the Accused was first remanded in custody.

**DATED, SIGNED, AND DELIVERED AT KAKAMEGA, THIS 26<sup>TH</sup> DAY OF JANUARY 2026.**

**A. C. BETT**

**JUDGE**

**In the presence of:**

Ms. Chala for the Accused

Mr. Idi for the State/Prosecution

Court Assistant: Polycap

