



REPUBLIC OF KENYA



**KENYA LAW**  
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**Opiyo v Republic (Criminal Appeal E024 of 2024)  
[2026] KEHC 2100 (KLR) (25 February 2026) (Judgment)**

Neutral citation: [2026] KEHC 2100 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MIGORI  
CRIMINAL APPEAL E024 OF 2024  
KW KIARIE, J  
FEBRUARY 25, 2026**

**BETWEEN**

**EDWIN OKOTH OPIYO ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in Criminal case No. E288 of 2023 of the Principal Magistrate's Court at Rongo by Hon. C.N.C. Oruo—Principal Magistrate)*

**JUDGMENT**

1. Edwin Okoth Opiyo, the appellant herein, was convicted for the offence of attempted murder contrary to section 220 (b) of the Penal Code.
2. The particulars of the offence were that on the 22<sup>nd</sup> day of May 2023, at the Kosodo area, Rongo Sub-County, within Migori County, unlawfully attempted to cause the death of Moses Abuoro Opiyo by cutting him on the head with a panga.
3. The appellant was sentenced to twenty-five years in prison and has appealed this decision. He argued that the sentence is too severe, excessive, and disproportionate, especially considering he is a first-time offender.
4. The respondent did not submit any grounds of opposition or any other submissions.
5. This is a first appellate court. As expected, I have reviewed all the evidence presented in the lower court and formed my own conclusions, bearing in mind that I did not see or hear any witnesses. My approach will be guided by the well-known case of Okeno vs Republic [1972] EA 32.
6. Section 220 (b) of the Penal Code provides:  
Any person who—



- (b) with intent unlawfully to cause the death of another does any act, or omits to do any act which it is his duty to do, such act or omission being of such a nature as to be likely to endanger human life, is of a felony and is liable to imprisonment for life.
7. I have evaluated the evidence of the injuries the complainant sustained. They were as follows:
- a. Multiple cut wounds on the head;
  - b. Compound segmental fractures -a skull fracture (depressed) behind the head;
  - c. Swollen scalp wound;
  - d. Left-sided body weakness;
  - e. Weakness on the left upper limb;
  - f. Weak left lower limb;
8. Although the appellant was a first-time offender and the offence was unprovoked, I am not convinced to alter the sentence.
9. The appeal is therefore dismissed.

**DELIVERED AND SIGNED AT MIGORI, THIS 25<sup>TH</sup> DAY OF FEBRUARY 2026**

**KIARIE WAWERU KIARIE**

**JUDGE**

