



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA**

**CRIMINAL CASE NO. E036 OF 2024**

**REPUBLIC** .....

**PROSECUTOR**

**VERSUS**

**DENNIS BULINDA** .....

**ACCUSED**

**RULING ON SENTENCE**

1. The Accused Dennis Bulinda who was initially charged with murder, pleaded guilty to the reduced charges of manslaughter contrary to Section 202 as read with Section 205 of the Penal Code after entering into a plea bargain.
2. Upon conviction, the court called for a pre-sentence report which was filed on 3/11/2025. The report notes that the Accused lost contact with his wife and only child after his arrest and that he had an intimate relationship with his victim which was marked by instability and frequent conflict that culminated in the fatal confrontation.

3. The report indicates that the Accused expressed deep remorse and reflected that he was still young and emotionally unstable at the time of the offence.
4. The victim's family described the victim, a mother of ten, as a loving, resilient and supportive figure who served as the family's sole surviving parent. According to the pre-sentence report, the victim's tragic death has caused immense emotional, psychological and economic hardship to her traumatized family with her younger children at risk of dropping out of school due to severe financial constraints. The victim's family called for a harsh and deterrent sentence in order to bring them a sense of closure and security as they allege that the Accused has issued threats against the family.
5. The recommendation from the community is that the court imposes a stringent and deterrent sentence.
6. In mitigation, the Accused submitted that he is a first offender who has conducted himself well since the case commenced. He expressed remorse and regret over the offence and declared sincere sorrow to the family of the deceased. The Accused said that at barely twenty five (25) years of age, he is very young and determined to live a lawful and productive life upon his release. He submitted that during his one year in custody, he had shown signs of genuine remorse and actively participated in rehabilitation. He prayed for a lenient and non-custodial sentence.
7. On his part, the Respondent submitted that whereas the Accused is a first offender who had saved the court's time by entering into a

- Plea Bargain Agreement, he had committed a serious offence for which they had proposed a sentence of thirteen (13) years while the Accused had proposed a sentence of eight (8) years.
8. In considering the appropriate penalty for the offence, the court is guided by the Sentencing Policy Guidelines 2023 which acknowledges the overarching objectives of sentencing which is retribution, deterrence, rehabilitation, restorative justice, community protection, denunciation and reconciliation and reintegration.
  9. The offence of manslaughter attracts a maximum sentence of life imprisonment as provided by Section 205 of the Penal Code, which is often reserved from the most aggravated and severest of cases.
  10. Having said that, the court needs to balance mitigating and aggravating factors in order to determine which sentence will meet the objectives of punishment.
  11. In **Francis Karioko Muruatetu & Another v. Republic; Katiba Institute & 5 others (Amicus Curiae) [2017] KESC 2 (KLR)**, the Supreme Court outlined the standard list of mitigating factors to be taken into account in the process of sentence as follows:-
    - (a) *age of the offender;*
    - (b) *being a first offender;*
    - (c) *whether the offender pleaded guilty;*
    - (d) *character and record of the offender;*
    - (e) *commission of the offence in response to gender-based violence;*
    - (f) *remorsefulness of the offender;*

*(g) the possibility of reform and social re-adaptation of the offender;*

*(h) any other factor that the court considered relevant.*

12. Whereas the Accused prayed for a non-custodial sentence, I note that the pre-sentence report does not recommend a lenient sentence which in any event is precluded by the fact that the Accused is guilty of femicide, an offence that is rampant and threatens the very fabric of our society. The attack on the deceased was not only vicious but also aggravated by the fact that the Accused used a knife and aimed at a vulnerable part of the victim's body. This calls for a heavy sentence.
13. Be that as it may, it is noted that the Accused was only aged 24 years when he committed the offence and his immaturity may have led to the fatal reaction to a domestic quarrel. Nonetheless, the Accused must account for his reckless actions through a custodial sentence that should also demonstrate to the public that the resolution of conflicts through violence leads to painful consequences.
14. After weighing all the factors, I sentence the Accused to twelve (12) years imprisonment. The Accused has been in custody since his arraignment in court on 30<sup>th</sup> August 2024. The time spent in custody should be factored in during computation of the sentence.
15. Orders accordingly.

Dated, signed, and delivered at Kakamega, this 20<sup>th</sup> day of April 2026.

**A. C. BETT  
JUDGE**

**In the presence of:**

Ms. Chala for the Prosecution

Ms. Ayuko for the Accused

Court Assistant: Polycap

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