REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

CRIMINAL DIVISION

CRIMINAL CASE NO. 1 OF 2025

STATE ..... PROSECUTION

VERSUS

ERICK OLIECH OSELU alias MZEE ..... 1ST ACCUSED

EMMANUEL SHIKUKU ONOKA alias JERRY ……..….. 2ND ACCUSED

DAVID OCHIENG OSUBA …….. 3RD ACCUSED

STEPHEN OMONDI OWINO ……. 4TH ACCUSED

JOHANA AGENDI ANGINA ……..…. 5TH ACCUSED

SENTENCE

1. On **30/5/2023** at Korando 'B' Sub-location in Kisumu West Sub-County, allegations were made against one John Okiro ('deceased) of having stolen a cow belonging to one Sarah Anyango. The cow was later found slaughtered about 300m from the deceased's house.
2. A mob fell on the deceased's home and burnt it. They later frog matched him from a nearby trading centre to his home where they pounced on him with crude weapons. They later set him ablaze using worn out tyres. The deceased passed away and the Post mortem carried out on his body confirmed the cause of death

to be multiple injuries, multiple fractures and 100% burns secondary to mob justice assault.

3. Pursuant thereto, on **14/11/2023**, **Erick Oliech Oselu alias Mzee, Emmanuel Shikuku Onoka alias Jerry, David Ochieng Osuba, Stephen Omondi Owino** and **Johana Agendi Angina** (hereinafter 'the accused') with others were arraigned in Court with the charge of the murder of the deceased contrary to ***sections 203 as read with section 204 of the Penal Code***.
4. The parties entered into a plea bargain and on 16/7/2025 the accused pleaded guilty to the lesser charge of Manslaughter contrary to ***section 202 as read with section 205 of the Penal Code.*** It was alleged that on the **30/5/2023**, at Korando 'B' Sub-location in Kisumu West Sub-County within Kisumu County, with others before Court, the accused killed Job Okiro Orao. Having pleaded guilty to that charge, the Court convicted them accordingly and called for a pre-sentence report from the Probation and After Care Services Department. Those reports have been filed and the Court has considered them.
5. In their mitigation, it has been pleaded that they are first offenders, they are remorseful and regret the offence. That they have taken steps to make peace and amends with the victim's family. They have compensated the family and pleads for mercy. That they are bread winners for their respective families.
6. I have considered the mitigation as set out above. I have also carefully considered the pre-sentence reports dated **28/10/2025**. They are detailed and

conclusive. They show that the accused had approached the victim's family and made amends with it. The victim's family is not objecting to a lenient sentence. The reports proposed probation, the State prayed for 8 years' custodial sentence while the accused initially prayed for a 2-year sentence but have now prayed for a non-custodial sentence.

7. Having considered all the foregoing, a life was lost and never to be recovered until the life after. I have also considered that the accused plea bargained thereby saved the Court crucial time. I have considered that the accused are said to have re-integrated with the community well. A custodial sentence may not serve any meaningful purpose. Considering all the foregoing and that the maximum penalty for the offence is life imprisonment, the accused are each sentenced to **three (3)** years' Probation Service under Probation Officer of their area.

It is so ordered.

DATED and **DELIVERED** at Kisumu this **30th** day of **April**, **2026**.

A. MABEYA, FCI Arb

JUDGE