



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Odada (Criminal Case E058 of 2022)
[2025] KEHC 5188 (KLR) (Crim) (29 April 2025) (Judgment)**

Neutral citation: [2025] KEHC 5188 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CRIMINAL

CRIMINAL CASE E058 OF 2022

MW MUIGAI, J

APRIL 29, 2025

BETWEEN

REPUBLIC PROSECUTION

AND

EDWIN ONDITI ODADA ACCUSED

JUDGMENT

1. The Accused person Edwin Onditi Odada was charged with the offence of murder contrary to Section 203 as read with Section 204 of the *Penal Code*.
2. The particulars of the offence are on the night of 11/7/2022 at Umoja 111 estate within Dandora area, within Nairobi County murdered Pamela Oluoch Asesa.
3. On 15/8/2022, the Accused person was found to be fit to plead vide letter from Mathari National Teaching & Referral Hospital.
4. On 20/9/2022, the charge was read to the Accused person and he pleaded not guilty to the charge.
5. On 11/10/2022, the Court considered application for bail/bond, the Prosecution objected to bail/bond and sought time to file affidavit objecting to bail/bond. The Defense Counsel was also granted leave to respond if need be.
6. 21/11/2022 The ODPP filed Affidavit objecting to bond/bail. The Defense Counsel, Mr Gachoka filed Response amounting to an official application for bail/bond. On 14/12/2022, Parties agreed to close of pleadings and opted not to file and exchange written submissions on bail/bond.
7. The Trial Judge Hon J JM Bwononga on 1/3/2023 delivered Ruling on bail/bond granting the Accused person Bond Ksh 300,000/- with surety of similar amount or Cash bail Ksh 150,000/-



8. On 30/4/2024, Hon LJ L.Mutende commenced the hearing of the matter with evidence of PW1 Lawrence Olanya, Supervisor of David Yalla Flats with 20 houses of single rooms in Umoja 3 Estate.
9. The Defense Counsel applied to Court for adjournment and made a request for plea bargain which the Court obliged.
10. The Plea bargain Agreement was filed in Court on 13/11/2024 duly executed by the Accused person through Defense Counsel on record Mr Gachoka Mwangi & Head of Homicide /ODPP Ms Gikui Gichuhi & Prosecution Counsel Dela E.Wilbey.

Plea

11. On 28/1/2025, the lesser charge of Manslaughter contrary to Section 202 as read with Section 205 of the [Penal Code](#) in substitution for the information of murder dated 20/9/2022. The lesser charge was read to the Accused person in Kiswahili and he stated 'Ni Kweli' translated to English "It Is True" and he admitted the charge; knowingly, voluntarily and truthfully.

Facts

12. The Facts of the case were read out by ODPP Ms Tum in English translated to Kiswahili by Court Assistant Fatuma as follows;
13. The Accused person, Edwin Onditi Odada and James Samson Oduor lived in 1 room house in Umoja Phase 3 Estate between June-July 2022. The deceased Pamela Alouch Asasa met on Samson Oduor on Face-book and fell in love. They agreed to meet, she came to Samson Oduor's house in Nairobi from Yala Siaya County.
14. On arrival, the deceased found Samson Oduor lived with Edwin Onditi. Samson Oduor asked Edwin Onditi to leave his house as he wanted to marry and live with the deceased. Samson Oduor asked Edwin Onditi to call his mother to send him bus-fare so as to travel and live back home.
15. From 3/6/2022-8/7/2022, the 3 people lived together in the same house, the deceased, the Accused person and James Samson Oduor. On 8/7/2022 James Oduor came home from work at 8 pm and deceased told him that the Accused person sexually assaulted her. He asked the Accused person about the claim and he kept quiet. The next day, he left to his sister-in-law Velma Obae Owano who lived in Komarock.
16. On 11/7/2022 at 3 pm, the Accused person went back to Umoja estate and later at 8 pm went back to Komarock with a blue and maroon bag with his clothes inside and told his sister-in -law that James Samson Oduor was now living with his wife the deceased.
17. On the same day James Samson Oduor and Pamela Alouch Asesa spent the day together outside their house upto 4 pm. James Samson Oduor left to the nearby Café to watch the debate on TV and came back home at 8 pm.
18. James Samson Oduor knocked on the door as it was locked from outside and the deceased was inside and there was no response. He decided to break the padlock and talked to the Care Taker Lawrence Okaya PW1 to help him break the door. They broke the door and on entering they found the deceased, Pamela Alouch Asasa, lying on the bed facing upwards and she was half naked and a piece of cloth put in her mouth. There was a yellow shirt that was blood stained on the sofa set. The deceased had scratch marks on the neck. The care taker and James Samson Oduor reported the matter to Dandora Police



- Station under OB 02/12/7/2022. The Police officers came to the scene. James told the Police that the deceased had 2 phones and he was missing a blue gas cylinder.
19. Samuel Mwangangi Musyoka, a witness outside the kiosk saw the Accused person coming to the Plot earlier on the fateful day.
 20. Christine Nafula who also operated a kiosk near the Plot where the deceased and Accused person lived and she saw the Accused person who came to the kiosk and paid Ksh 10/- for bananas he took on the same day.
 21. Corporal Jeremiah Kamene of Mwolem Police Station got a report on 12/7/2022 at midnight from James Oduor and visited the scene and took the body of deceased to City Mortuary.
 22. Corporal Samuel Gichuki & Judith Muthoni of DCIO Dandora investigated the matter and recovered the 2 mobile phones of the deceased; 1 phone was recovered in Komarock and the other phone make ITEL with Accused person at Velma's home.
 23. On 18/7/2022, the Accused person took the Police to one Samuel Ouma Otieno in Njiru and found the other phone Make New Ray Pro.
 24. On 26 /7/2022, the Accused person took Police officers to the shop of Francisca Martha Mutie in Baroko area and recovered the 6 kg cylinder blue in colour.
 25. On 14/7/2022, Dr Peter Ndegwa conducted the Post Mortem o the deceased's body and the cause of death was strangulation. The Physical and Documentary exhibits were produced in open Court and were identified by the ODPP Ms. Tum and seen by the Accused person and Defense Counsel produced Exhibit 1 OB Extract; Exhibit 2-Blue-maroon bag; Exhibit 3 ITEL phone; Exhibit 4 Neo Ray Phone; Exhibit 5 Blue Gas Cylinder; Exhibit 6-Inventory; Exhibit 7- Post Mortem report; Exhibit 8 Blood Sample; Exhibit 9-Mental assessment Report and Exhibit 10-Plea Bargain Agreement.
 26. The Accused person admitted the Facts as read and the exhibits identified and produced in Court by ODPP. The Accused person confirmed that he was not coerced, threatened or induced to agree to the Plea bargain but he admitted the Plea Bargain to a lesser charge of manslaughter on his own free will.
 27. The Court entered plea of guilt on the Accused Person 's own plea of guilty to the lesser charge of manslaughter and facts read out and exhibits produced.
 28. This Court is satisfied the Plea Agreement was voluntary as the Accused person took plea in Court and admitted the reduced charge. The facts were read to him in Court and he admitted the facts. The Court asked the Accused if he was coerced influenced or intimidated to plea bargain and he informed the Court it was voluntary. The accused was within his rights as spelt out by Section 137 CPC and therefore plea bargained to the lesser charge of manslaughter

Pre-sentence Proceedings

29. Mr. Gachoka for the Accused person mitigated on behalf of the Accused person as follows; The Accused person pleaded guilty to lesser charge of manslaughter and he was/is remorseful and saved the Court time and expenses. He will not repeat the offence again and there is need to rehabilitate the persons in conflict with the law. There is need to decongest prisons and therefore he sought a lenient sentence.
30. The Accused person was born in 1995 he is 32 years old and should be integrated back to society and should marry and start a family.



31. He was in custody from July 2022 for 2 years and 7 months and when sentencing this period should be considered and the Accused person seeks leniency. He has medical problems but does not have any medical records with him but seeks leniency of the Court.
32. Ms. Tum of ODPP sought that the Criminal Record Report to be availed by the Investigating Officer. In as much as the accused person saved the Court's time, the deceased was a young person with a bright future and cohabited with her husband for only 2 months only. She died a painful death through strangulation and gagging. The Accused after committing the offence left the deceased locked from outside and ensured she could not get any help from neighbor or anyone near her. He took her mobile phones and other items from the house.

The husband has been left a widower at a young age and had been with deceased for 2 months only. The Accused was housed by the widower when he had no money. When the Court considers the sentence the Court should consider the deceased died a painful death.
33. The CRO Report under National Police Service of 4/1/2025 the Accused was/is a 1st offender.
34. The Pre-Sentence Inquiry Report filed on 7/4/2025, Family background and Community Attitude towards offender confirms the Accused person's siblings are found on the wrong side of the law and therefore the report is negative and both the Husband/boyfriend of the deceased and former housemate of the Accused person and family of deceased pray for custodial sentence.
35. The Victim Impact Statement Report filed on 7/4/2025 described the deceased as a lady aged 24 years old when she was killed, she was a mother of 1 child now left destitute and is currently taken care of by grandparents. The parents and 4 siblings of the deceased have undergone trauma and have been in pain and at different stages of grieving and are struggling to provide for deceased's child. The family of deceased was/is not interested in compensation and they stated that they were not involved in the Plea bargain process as secondary victims and pray the Accused person suffers maximum sentence.

Sentence

36. This court has considered the plea of guilty by the Accused on lesser offence of manslaughter, the Criminal Record that the Accused person is a 1st offender and the Presentence Report, Victim Impact Statement and the Mitigation of the Accused person, he is a young man aged 32 years old, 1st offender and the offence he committed he is remorseful.
37. On the other hand, the deceased was a young girl with promising future and young mother, the parents, siblings and child are devastated.
38. A life was lost and the family of deceased due to no fault of their own suffer agony and trauma. I have taken into account Clause 23 of the Sentencing Policy Guidelines 2016 and 2023 and there are aggravating factors; there was flagrant violence occasioned on the victim/deceased and grossly inhuman and degrading means that led to deceased's death. The Accused premeditated the murder but agreed to plea bargain manslaughter.

The mitigating factors are that the Accused person is a young man, 1st offender and he pleaded guilty to the lesser offence of manslaughter.
39. In the circumstances to balance rights of the Accused person and deceased and her family I hereby exercise discretion and sentence the Accused person Edwin Onditi Odada to 7 years imprisonment. The sentence will take into account the pretrial and pre-sentence period spent in custody under Section 333 (2) CPC from the date of arrest on 6/9/2022 when the charge/information was filed to 1/3/2023 vide Ruling of Hon. Judge Bwonwonga' on a release on Bail/Bond to the date the Accused person



was released on Bail/Bond, to be confirmed by Deputy Registrar Criminal Division and shown in this Court file.

Right of Appeal 14 days from today.

File closed orders accordingly.

**RULING DELIVERED SIGNED DATED IN OPEN COURT ON 29/4/2025 IN NAIROBI
CRIMINAL DIVISION**

M.W. MUIGAI

JUDGE

