



REPUBLIC OF KENYA



**Republic v Otieno & 2 others (Criminal Case E013 of 2021)
[2025] KEHC 5190 (KLR) (Crim) (29 April 2025) (Judgment)**

Neutral citation: [2025] KEHC 5190 (KLR)

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

**CRIMINAL
CRIMINAL CASE E013 OF 2021**

MW MUIGAI, J

APRIL 29, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

EDWIN ODIWUOR OTIENO 1ST ACCUSED

SAMUEL OKOTH ADENDA 2ND ACCUSED

JUSTUS NYAMETE MANYURA 3RD ACCUSED

JUDGMENT

1. The 2nd Accused person Samuel Okoth Adenda 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 12/2/2021 within Nairobi County, jointly with others not before Court murdered Caroline Wanjiku Maina.
3. On 8/3/2021, the 2nd Accused person was found to be fit to plead. On the same day, the charge was read to the Accused person and he pleaded not guilty to the charge. On 27/4/2021 the court consolidated files and culminated with new/fresh information, read to Accused persons, and the 2nd Accused pleaded not guilty.
4. The bail/bond application proceedings commenced culminated with Ruling on Bail Application delivered by Hon JJ Lesiit & Ogembo, the Accused persons were released on bond of Ksh 1,000,000/- with 1 surety each or Cash bail of Ksh 500,000/- each.



5. The Plea bargain Agreement was filed in Court on 5/11/2024 duly executed by the Accused person Samuel Okoth Adinda on 11/10/2024 through Defense Counsel on record Mr Ayuo & Head of Homicide /ODPP Ms Gikui Gichuhi & Prosecution Counsel Peris Maina on 29/10/2024

Plea

6. On 29/1/2025, 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 5/3/2021. The lesser charge was read to the Accused person in English and he stated “It Is True” and he admitted the charge; knowingly, voluntarily and truthfully.

Facts

7. On 12/2/2021, the deceased Caroline Wanjiku Maina had just concluded a bank transaction at Cooperative Bank Ngara where she withdrew Ksh 350,000/- She went and met 1st Accused person Edwin Oduor who was to assist her to get a loan from Stima Sacco.

8. At the carpark she met Samuel Okoth Adenda and Joel alias Rashid a close friend of the Accused person who is still at large.

The deceased requested 1st accused person Edwin Oduor to drive her in his car to Githurai to meet a friend who sold sand. The deceased left her motor vehicle Reg KCY 499W Toyota Axio silver in colour at the Parking and all of them boarded motor vehicle Reg KCN 300D Make Toyota Crown black in colour.

9. On reaching Githurai, the deceased talked to her friend and did not have the quality of sand she required and she was referred to another friend in Kajiado. They returned to Ngara and the deceased requested 1st Accused person to drive her to Kajiado in his vehicle. The 1st Accused Edwin Oduor instructed 2nd Accused Samuel Okoth Adenda to drive the deceased to Kajiado.

10. Before proceeding to Kajiado, they proceeded to Kawangware to buy groceries since it was a market day. The deceased entered her car and drove to Kawangware and the others followed in 1st Accused person's vehicle. On arrival at Kawangware, the deceased parked at Gatina Primary School and she bought groceries and then entered 1st Accused's vehicle and there was Joel who is still at large. On the way, 1st Accused person alighted at Gateway Mall -Mombasa Road and they left Joel and Joseph alias Rashid, the deceased and 2nd Accused person drove the vehicle.

11. While on the way all occupants begun drinking whisky and on reaching Kajiado, they entered a rough road and the deceased was directed by 2nd Accused person to the sand site.

12. On the way, the deceased and 2nd Accused had an argument and the 2nd Accused hit the deceased with the whisky bottle on the head, it was getting dark, the deceased was bleeding and unconscious. The 2nd Accused, Joel & Joseph left the deceased in a thicket and the 2nd Accused drove the motor vehicle to Gateway Mall and handed the vehicle to the 1st Accused and told him that the deceased, Joel & Joseph alias Rashid boarded a matatu.

13. On 13/2/2021, a Missing Person Report was made and investigations commenced on 15/2/2021, 2nd Accused person was arrested and the Police Officers recovered a face mask, bloodstained towing hook, 1 pair of handcuffs, blood stained car mat and other items.

14. On 16/2/2021, the decomposed body of the deceased was discovered by Kajiado residents who reported to Police and officers came and took the deceased's body to Kajiado Mortuary.



15. On 19/2/2021 the 2nd Accused person led Police Officers to the scene where deceased's body was dumped at Karanai area along KMQ area/road 8 km west of Kajiado Town; the exact place where deceased's body was found 3 days earlier.
16. The family of deceased identified the body of deceased at Kajiado Referral Hospital Mortuary and transferred her to Kenyatta University Funeral Home. On 24/2/2021 the Post Mortem was conducted and the Pathologist found the cause of death was head injury due to being hit with a sharp object.
17. The following Exhibits were produced in Court; Exhibit 1-Post Mortem Report; Exhibit 2-Government Analyst Report; Exhibit 3-DNA Report; Exhibit 4- Car track Report; Exhibit 5-2 mobile phones recovered from Kisii- Samsung A20 S-5(a) & Opal A57-5 (b) I pair handcuffs Exhibit 6(a) & Towing Hook Photo- Exhibit 6 (b); Photographs- 1 bundle-26 photos Exhibit 7(a) & Report 7 (b) Data Request-Exhibit 8. Ksh 350,000/- the deceased withdrew was never recovered. Exhibit Memo & DCI Cyber Report Exhibit 9(a) & (b)
18. The 2nd Accused person Samuel Okoth Adenda, pleaded guilty to the lesser charge of manslaughter and the facts as read out to him. The Court entered plea of guilty by the 2nd Accused person. 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.
19. 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 informed 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
20. The 2nd Accused was arrested with 2 other Accused persons arraigned in Court , 1st Accused & 3rd Accused persons who filed Applications for entry of nolle prosequi

Pre-Sentence Proceedings

21. Defense Counsel Mr Ayua for 2nd Accused Samuel Okoth Adenda stated that they filed written Mitigation by /for 2nd Accused person filed on 4/3/2025. In a nutshell, 2nd Accused is very remorseful for committing the offence and he prays for the Court's mercy and forgiveness from the State and victims; family of the deceased. He expressed remorse to the family of the deceased and was/is ready to take responsibility for the said offence. He expressed remorse and is ready to take up responsibility of the deceased's children and help by contributing to the well-being of the children of the deceased especially education and day to day livelihood.
22. He also has dependents and he has gone through rehabilitation and reform throughout the Trial process as well as Counselling from spiritual leaders and undertakes never to repeat the offence. He prays for non- custodial sentence so as to continue taking care of the family and to demonstrate meaningful restitution through the Community. He pleaded guilty to save Court 's resources and not to put the family of deceased to vigorous emotion during trial.
23. Ms. Tum ODPP/State/Prosecution stated , the deceased was a young mother with 2 children left to be fended for by their grandparents who are elderly. The deceased was the breadwinner taking care of her children and parents. The death of the deceased dealt a devastating blow to the children and family of the deceased. The deceased died a painful death and disappeared on 12/2/2021 and was discovered on 16/2/2021 from the thicket/bush off Kajiado. The Court to consider the Probation Officer's report & Victim Impact Statement Report.



24. The ODPP wrote to the family of the deceased vide Letter dated 11/3/2025 that this Court required a Victim Impact Statement from the family. The family was represented by Ms. Pauline Muthoni Maina & Ms. Rose Thogori Maina who presented their letter of 16/7/2024. The gist of the letter was/is that the plea bargain may result in reduction of the charge from murder to manslaughter against 2nd Accused person Samuel Okoth and once done this will exonerate 1st Accused, Edwin Oduor, whom they believe orchestrated, planned and carefully executed the murder of Caroline Maina.
25. The death of Caroline Maina left the family in an irreparable void unforeseen changes in their lives and her absence as mother to her children, sister and daughter to the family came with a price of continued immense pain and suffering.
26. A Victim Impact statement was also filed on 3/3/2025 by the ODPP explaining the legal basis and process of Plea Bargain by 2nd Accused. The ODPP asked the Court to consider all the factors as it moves forward to the sentencing process.
27. The Pre-Sentence Inquiry Report filed on 20/2/2025, indicates that the 2nd Accused is from a polygamous but stable family he is the 3rd child amongst 6 children of his mother, the 4th wife of the father. He underwent formal education trained as an Accountant at KCA University and was employed in various Companies and later left and started his own business.
28. On the offence, the circumstances are that he got into an altercation with the deceased, she belittled him and due to anger he committed the offence that he highly regrets.
29. He is a law abiding citizen and requests a 2nd chance and reach out to the family of deceased to seek forgiveness and offer support to deceased's children.
30. The deceased was well educated, a graduate from Egerton University , a single mother of 2 children 16 years and 8 years old respectively who are in the care of maternal aunts and have undergone loss and grief. She was sole breadwinner and now raising the children is not easy more so due to financial challenges. The deceased's parents suffer mental anguish and deceased's mother now suffers amnesia.
31. The family is aggrieved that it was not involved in the plea bargaining process and urge the Court to mete out maximum sentence and are strongly opposed to no custodial sentence.

Sentence

32. This court has considered the plea of guilty by the Accused person on lesser charge of manslaughter. The Criminal Record confirms that he is a 1st offender and the Probation Inquiry Report and Mitigation of the Accused person. He is a young man with a family and the offence he committed with others not before court he is remorseful.
33. On the other hand, the deceased was a young mother professional Lady and bread winner for her children siblings and parents and the family is now devastated. A life is lost and the family of deceased due to no fault of their own suffer agony and trauma.
34. I have taken into account the Sentencing Policy Guidelines Clause 23:4 of 2016 and 2023 specifically the mitigating factors, the Accused is young in age, he is a 1st offender, he pleaded guilty to lesser offence. The aggravating factors that the Accused person used flagrant occasioning of violence, on the victim with a weapon as shown by the exhibits recovered. The 2nd Accused and others planned the heist, and in the process caused deceased's death. The motor vehicle and Ksh 350,000/- the victim/deceased withdrew from the Bank that day were never recovered. However, the 2nd Accused person agreed to plea bargain and lesser offence of manslaughter.



35. In the circumstances to balance the rights of the 2nd Accused person and deceased and her family I hereby exercise discretion and sentence the 2nd Accused person Samuel Okoth Adenda to 7 years imprisonment. The sentence will take into account any Pretrial and Presentence period the 2nd Accused spent in custody prior to bail/bond execution as provided under Section 333(2) CPC from the date of arrest on 8/3/2021– 22/9/2021.

Right of appeal 14 days from today.

File closed order Accordingly.

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

VIRTUALLY/PHYSICALLY

M.W. MUIGAI

JUDGE

