



**Republic v Odour alias Odos Holder (Criminal Case 18 of 2023)
[2025] KEHC 7176 (KLR) (30 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 7176 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL CASE 18 OF 2023**

**DR KAVEDZA, J
MAY 30, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

KEVIN OKETCH ODOUR ALIAS ODOS HOLDER ACCUSED

JUDGMENT

1. The accused person Kevin Okoth Oduor alias Odos Holder was charged with the offence of murder contrary to section 203 as read with section 204 of the *Penal Code*. The particulars are that on 13.12.2022 at Kianda area of Kibera sub-county within Nairobi County Nairobi County Henry Odhiambo Onyango.
2. Following successful plea negotiations with the State, the accused pleaded guilty to a reduced charge of manslaughter. The particulars of the offence are that on 13th February 2022, within Kiandaa area, Kibera Sub-County, Nairobi County, the accused unlawfully killed Henry Odhiambo Onyango.
3. The facts, as agreed in the plea bargain, were read to the accused in Kiswahili his preferred language to which he responded, “Ni ukweli”. The prosecution’s case was that the deceased, who owned neighbouring rental property, had gone to collect rent. Feeling pressed, he relieved himself near the accused’s house, which enraged the accused. He assaulted the deceased severely. Though the deceased initially escaped to a nearby house, the accused followed and continued the attack. The deceased later succumbed to the injuries. The post-mortem confirmed that death resulted from abdominal trauma caused by blunt force.
4. The accused fled Kibera and was arrested a year later. In mitigation, he sought leniency and issued a written apology to the deceased’s family. However, the apology was not accepted, as the accused attempted to justify his actions by blaming alcohol and provocation.



5. The pre-sentence report on record is unfavourable. It notes the accused's troubled upbringing, having been mistreated by an elder sibling, which led him to join a criminal gang. He is known in the community for violent behaviour, and even his own family including his twin brother, believe he disregards authority and should undergo rehabilitation in custody. The community expressed strong opposition to a non-custodial sentence.
6. The deceased's family suffered greatly. His children were forced to relocate to Kayole and switch to public schools. His ailing brother, who depended on the deceased for medical support, died shortly after hearing of the death, and both were buried on the same day.
7. The accused's persistent anti-social behaviour, aggression, and need to dominate were key contributors to this tragic incident. Even after the deceased fled and sought refuge, the accused pursued and inflicted the fatal blow.
8. I agree with the probation officer's assessment that a custodial sentence is necessary. Nonetheless, I have taken into account the fact that the accused pleaded guilty, thereby saving the court's time. He is entitled to a sentencing discount on that basis.
9. The court of Appeal in *Thomas Mwambu Wenyi v Republic* (2017) eKLR cited the decision of the Supreme Court of India in *Alistar Anthony Pereira v State of Maharashtra* at paragraph 70-71 where the court held as follows on sentencing

“Sentencing is an important task in the matter of crime. One of the prime objectives of the criminal law is imposition of appropriate adequate, just and proportionate sentence commensurate with the nature and gravity of crime and the manner in which the crime is done. There is no straight jacket formula for sentencing an accused person on proof of crime. the courts have evolved certain principles: twin objective of sentencing policy is deterrence and correction. What sentence would meet the ends of justice depends on the facts and circumstance of each case and the court must keep in mind the gravity of the crime, motive for the crime nature of the offence and all other attendance circumstances. The principle of proportionality in sentencing a crime doer is well entrenched in criminal jurisprudence, As a matter of law, proportion between crime and punishment bears most relevant influence in determination of sentencing the crime doer. The court has to take into consideration all aspects including Social interest and consciousness of the society for award of appropriate sentence”

10. I have carefully considered the facts of this case, the severity of the offence, the principles of proportionality, deterrence and rehabilitation and as part of the proportionality analysis, the mitigating and aggravating factors, and the scar the incidence left in the life of the victims. I have also considered the purpose of sentencing and the principles of sentencing under the law.
11. In the circumstances, I sentence the accused Kevin Okoth Oduor alias Odos Holder to fifteen (15) years imprisonment. The sentence shall run from the date of his arrest, 13th December 2022, pursuant to section 333(2) of the [*Criminal Procedure Code*](#).

Orders accordingly.

JUDGEMENT DATED AND DELIVERED THIS 30TH DAY OF MAY 2025

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D. KAVEDZA



JUDGE

In the presence of:

Accused present

Osoro for the Accused

Maina for the Prosecution

Tonny Court Assistant

