



**Republic v ECN (Criminal Case E016 of 2021)
[2025] KEHC 11214 (KLR) (30 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 11214 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E016 OF 2021
HI ONG'UDI, J
JULY 30, 2025**

BETWEEN

REPUBLIC STATE

AND

ECN ACCUSED

SENTENCE

1. ECN was charged with murder contrary to section 203 as read with section 204 of the [Penal Code](#). He was later on 28th May, 2025 found guilty and convicted of the same.
2. A Pre-sentence report dated 28th July, 2024 by Ondari Lilian a Probation Officer was filed. The report shows that the accused has had a bad habit of taking alcohol uncontrollably as a result of which his behavior changes. His immediate family, deceased wife's family, neighbours, the administration and the community at large were interviewed. They all do not support a non-custodial sentence for him.
3. M/s Mungai for the accused in mitigation said the accused battles with alcoholism and was quite drunk at the time of incident. That he has benefitted from his stay in prison and even undergoes counselling.
4. Counsel revealed that the accused is H.I.V. positive and on medication. Further that he is remorseful for his actions. He had several issues like lack of money, social issues and his condition which led to all this. She therefore prayed for leniency and a non-custodial sentence, for him.
5. M/s Okok for the prosecution opposed a non-custodial sentence for the accused. She asked the court to consider what the accused took the deceased through. Referring to the pre-sentence report she urged the court to give him a death sentence to deter him and others from doing the same thing. Counsel invited the court to take Judicial Notice of the increased number of femicide cases which must be brought to an end.



6. I have considered the pre-sentence report, the mitigation by M/s Mungai on behalf of the accused, submissions by M/s Okok for the prosecution and the evidence on record. The accused and deceased were husband and wife. She died a very painful death. She was not only killed but her body was burnt beyond recognition, by the accused.
7. It has been confirmed by both the pre-sentence report and by the defence that the accused is alcoholic. The accused's father died so its only his mother who is at home with accused's minor children whose interests must be protected by this court.
8. It is therefore in the interest of justice and even in the accused's own interest and safety that he be away from the family and community for some time. I have taken into account his age and hereby sentence him to thirty (30) years imprisonment. The sentence will run from the date of arrest.
9. Orders accordingly

DELIVERED, VIRTUALLY, DATED AND SIGNED THIS 30TH DAY OF JULY, 2025 IN OPEN COURT AT NAKURU.

H. I. ONG'UDI

JUDGE

