



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Misango (Criminal Case E015 of 2022)
[2025] KEHC 11565 (KLR) (29 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 11565 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE E015 OF 2022**

**AC BETT, J
JULY 29, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

EDWIN MISANGO ALIAS DUDU MBAYA ACCUSED

SENTENCE

1. The Accused, who was initially charged with murder pleaded guilty to the lesser offence of manslaughter contrary to Section 202 as read with Section 205 of the *Penal Code* after a Plea Agreement dated 25th February 2025.
2. After satisfying itself as to the propriety of the Plea Agreement as stipulated in Section 137F, and G of the *Criminal Procedure Code*, the court adopted the Plea Agreement and convicted the Accused as charged.
3. The factual basis of the offence was that on 24th April 2022, the Accused was in his house with the deceased who was his wife when a quarrel ensued due to suspicion by the Accused that his wife was having an extra marital affair because the deceased received a phone call from a man through his mobile phone. On confronting the Accused regarding the identity of the caller, the deceased became angry and stormed out of the house and locked the door from outside thus trapping the Accused in. While outside, the deceased started screaming while calling out to the neighbours that she was under attack. Agitated, the Accused, broke down the door and tried to persuade the deceased to calm down and get back into the house. The deceased adamantly refused to go back in and in a fit, the Accused got back into the house, took a panga and went outside and cut the deceased's leg three times then fled the scene. Rebecca, a friend to the deceased who had been locked in the house with the Accused went to look for the Accused to go and assist the deceased and take her to hospital. By the time she traced the Accused and came back with him, the deceased had succumbed to the injuries. Post-mortem was



later conducted and the Pathologist formed the opinion that the cause of death was external blood loss secondary to sharp force trauma following assault.

4. In mitigation, Mr. Otsyeno for Accused submitted that the Accused who is a first offender is remorseful and regrets the consequences of his actions. He is said to be the sole breadwinner of his six children who has learnt a lesson during his period of incarceration. He urged the court to exercise leniency and to credit the time spent in custody in the event it meted a custodial sentence but prayed for a non-custodial sentence.
5. On its part, the prosecution appreciated that by entering a plea bargain, the Accused had saved the court's time. However, Ms. Chala for the State prayed for a deterrent sentence in view of the fact that cases of femicide have become rampant in the society.
6. The pre-sentence report advocates for a custodial sentence as the victim's family and the community are outraged at the Accused's actions that led to his wife's loss of life.
7. I have considered the circumstances surrounding the offence. The deceased suffered multiple cuts that resulted in severe blood loss. No matter what mistake the deceased had committed, she was the Accused's wife and the mother of his children. She did not deserve the violence visited upon her by her husband who was supposed to love and protect her. Certainly, she did not deserve to die in the manner that she did. The offence calls for a punitive and deterrent sentence. Spouses ought to learn that violence is not a resolution to marital woes.
8. I am alive to the fact that the Accused saved court's time by pleading guilty and that he has heavy family responsibilities. However, the weapon used and the number of cuts inflicted call for a punishment that is proportionate to the offence. I have considered the fact that the Accused has been in custody since May 2022. All things taken into account, I sentence the Accused to nine (9) years imprisonment to run from the date of this sentence having factored the period in which the Accused has been in custody in the final sentence. The Accused has fourteen (14) days right of appeal.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 29TH DAY OF JULY 2025.

A. C. BETT

JUDGE

In the presence of:

Ms. Chala for the Prosecution

Ms. Khatshi holding brief for Mr. Otsyeno for the Accused

Court Assistant: Polycap

