



**State v Oduor (Criminal Case E031 of 2023)  
[2024] KEHC 397 (KLR) (25 January 2024) (Sentence)**

Neutral citation: [2024] KEHC 397 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL CASE E031 OF 2023  
DO OGEMBO, J  
JANUARY 25, 2024**

**BETWEEN**

**STATE ..... PROSECUTION**

**AND**

**KEVIN ODHIAMBO ODUOR ..... ACCUSED**

**SENTENCE**

1. The accused person Kevin Odhiambo Oduor was presented before this court with a charge of murder contrary to Section 203 as read with section 204 of the *Penal Code*. However, following a successful plea bargaining agreement, he has pleaded guilty to the lesser charge of Manslaughter Contrary to section 202 as read with section 205 of the *Penal Code*. The facts of the case are that on the night of 8-9-2023 at Kamriambo Village, Got Osimbo Sub-Location, in Uholo East Location within Ugunja Sub-County, Siaya County, he unlawfully killed Vincent Oduor Agaya.
2. The accused has similarly pleaded Guilty to the fact surrounding the case. He has accordingly been convicted of the offence on his own plea of Guilty.
3. In mitigation, the accused through his advocate Mr. Ooro F, has pleaded for leniency. That he is a first offender who is in conflict with the law only for the first time. That he is remorseful for this incident. That he is a father of two children being 10 and 3 years old respectively. He has prayed for a non-custodial sentence.
4. I have considered the mitigation of the accused. I have also considered the circumstances of this case. A life was lost by the action of the accused. Yes, accused may have been provoked. But he ought to have exercised restraint. Accused cut the deceased severally. The force he used was excessive in the circumstances.
5. I have also considered the Probation Officer's Pre-Sentence Report which otherwise stresses the fact that accused is a first offender and is remorseful.



6. I am convinced that accused deserves a custodial sentence which will give him the opportunity to reflect on his emotional and character and also to undergo rehabilitation. In the circumstances, I sentence the accused to serve 10 years imprisonment.
7. This sentence shall run from 18-9-2023 the date accused was first arraigned before court. Right of Appeal 14 days explained to accused.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 25<sup>TH</sup> DAY OF JANUARY, 2024**

**D.O. OGEMBO**

**JUDGE**

**25.01.2024**

**Court:**

**Sentence read out in Open court in the presence of accused, Mr. Ooro F. for accused and Ms. Mumu for the State.**

**D.O. OGEMBO**

**JUDGE**

**25.01.2024**

