



**Republic v Orapa (Criminal Case E022 of 2023)
[2024] KEHC 2929 (KLR) (22 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2929 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL CASE E022 OF 2023
WM MUSYOKA, J
MARCH 22, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

SAVIOUR OMUSE ORAPA ACCUSED

RULING

1. The accused herein had been charged with murder, but upon plea bargaining, the charge was reduced to manslaughter, to which he pleaded guilty, and was convicted on March 12, 2024.
2. My task now is to consider the sentence to impose on him, for the offence for which he was convicted. The facts were that the accused had a disagreement with the deceased, who was his wife. He threatened her. In fear, she fled to the home of a brother of the accused, where she spent the night. The following morning, the accused followed her to his brother’s compound, where he apologized to her, and took her home. Upon getting home, he assaulted her, and she died. Post-mortem disclosed that she died of brain haemorrhage due to assault. Upon realizing that he had badly hurt the deceased, the accused reported to his brother, who called the police.
3. During mitigation, I was informed that the accused was remorseful, and had cooperated after the incident. I was informed that he was a family person and a first offender. The prosecution acknowledged that he was a first offender, but argued that the killing was deliberate, for the accused appears to have had fetched the deceased, from the safety of his brother’s compound, with the sole purpose of assaulting her.
4. I note the expression of remorse by the accused, and the fact the he is a first offender. I also note that he plea-bargained, and pleaded guilty to manslaughter. It would appear that the accused is contrite about what happened. However, a life was lost, in the most senseless manner. If the accused was so unhappy with the deceased, he should have sent her away to her parents. Or called his brother to assist reconcile



them. He was the author of the whole episode. Had he not tried to force her to drink chang'aa all this would not have happened.

5. Taking everything into consideration, I do hereby sentence the accused person to imprisonment for 15 years, for unlawfully causing the death of Grace Omanyu, contrary to section 202, as read with Section 205, of the *Penal Code*, Cap 63, Laws of Kenya.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT BUSIA ON THIS 22ND DAY OF MARCH 2024

WM MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Advocates

Ms. Achala, Advocate for the accused person.

Ms. Chepkonga, instructed by the Director of Public Prosecutions, for the Republic.

