



**State v Okongo (Criminal Case 9 of 2020) [2024] KEHC 3973 (KLR) (23 April 2024) (Sentence)**

Neutral citation: [2024] KEHC 3973 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL CASE 9 OF 2020  
RE ABURILI, J  
APRIL 23, 2024**

**BETWEEN**

**STATE ..... PROSECUTION**

**AND**

**SAMUEL JUMA OKONGO ALIAS SAMUEL JUMA OGONDA ..... ACCUSED**

**SENTENCE**

1. On 27<sup>th</sup> March, 2024, this court found the accused herein guilty of the offence of murder and convicted him accordingly. What remained was mitigation and records. I have considered the circumstances under which the offence herein was committed by the Convict Samuel Juma Okongo alias Samuel Juma Ogonda.
2. I have also considered his advocate's mitigation in writing and oral mitigation by the convict.
3. The convict's Presentence Report was filed this morning. He is 45 years old and a first offender. I am also alive to the fact that the convict regrets the incident and prays for leniency of the court.
4. His house was demolished by the community after the incident. He is however ready to ask for forgiveness and reconcile with the victim's family albeit the victim's family are not ready to forgive him.
5. No person has the right to take away the life of another, unless it is in self-defence. This was not a crime of passion because the accused now convict did not find the deceased in the act with his wife when he unlawfully killed him by hacking him severally with a *panga*.
6. He now pleads for lenient sentence. Non-custodial sentence is not suitable.
7. I exercise discretion and sentence the accused person herein to serve ten (10) years imprisonment and any period that he has spent in custody from 25<sup>th</sup> March 2020 to 19<sup>th</sup> December 2022 before he was released on bond and between 27<sup>th</sup> March 2024 when his bond was suspended and today 23<sup>rd</sup> April 2024 shall be taken into account and deducted from the sentence.



8. Right of Appeal to the Court of Appeal is 14 days of today.
9. This file is closed.
10. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 23<sup>RD</sup> DAY OF APRIL, 2024**

**R.E. ABURILI**

**JUDGE**

