



**Republic v Ouma (Criminal Case E029 of 2021)  
[2024] KEHC 7932 (KLR) (28 June 2024) (Sentence)**

Neutral citation: [2024] KEHC 7932 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL CASE E029 OF 2021  
RE ABURILI, J  
JUNE 28, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**FREDRICK JUMA OUMA ..... ACCUSED**

**SENTENCE**

1. This is the ruling on sentence against the accused person herein Fredrick Juma Ouma, who is now a convict in this case for the offence of murder. I have considered the mitigation by the accused who is a first offender and the fact that he is remorseful, prays for lenient sentence, has a wife and one child. He also claims that he was drunk that is why he committed the offence.
2. Under section 204 of the *Penal Code*, the offence of murder carries a maximum of death penalty upon conviction.
3. The Supreme Court in the case of *Francis Muruatetu & another v Republic* [2017]eKLR has nonetheless lessened that sentence by inviting discretion but, depending on the circumstances of each case, an accused person may nonetheless be sentenced to death.
4. In the instant case, the deceased died a painful death, as shown by the postmortem Report and photographic evidence produced as exhibits. His body was burnt and he was hacked all over his head, neck and chest using a panga. There is no reason for such barbaric attack on a fellow human being.
5. I find the accused to have been a heartless person. He does not deserve to live though he is alive.
6. The court would have imposed death sentence. I however exercise discretion and sentence the accused person Fredrick Juma Ouma to serve Thirty Five (35) years imprisonment to be calculated from the date of his arrest on 7<sup>th</sup> October 2021.
7. Right of Appeal to the Court of Appeal is 14 days of today.



8. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 28<sup>TH</sup> DAY OF JUNE, 2024**

**R. E. ABURILI**

**JUDGE**

