



**Republic v Kariuki (Criminal Case E041 of 2023)
[2024] KEHC 14914 (KLR) (27 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14914 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E041 OF 2023
HI ONG'UDI, J
NOVEMBER 27, 2024**

BETWEEN

REPUBLIC STATE

AND

PETER MURAYA KARIUKI ACCUSED

RULING

1. M. K. the subject herein was initially charged with the offence of murder contrary to section 203 as read with section 204 of the *Penal Code*. The same was later reduced to Manslaughter contrary to section 202 as read with section 205 of the penal code after a plea bargain agreed was reached. The subject pleaded guilty and was convicted.
2. The circumstances under which the offence was committed were clearly presented to the court by the prosecution. The victim was the subject's own father. He was indeed provoked by what he saw his father doing to their mother. Unfortunately, there was no older sibling to give the child guidance on what to do.
3. The prosecution counsel Mrs Okok confirmed that the subject now aged 16 years was a first offender. She proposed a non-custodial sentence for the subject, for purposes of rehabilitation.
4. This was supported by Mr. Sanjay in his mitigation for the subject. He asked the court to consider the immeasurable loss and emotional distress the boy has gone through.
5. A pre-sentence report dated 26th November, 2024 has been filed by M/s Ondari Lilian a Probation officer based at Nakuru. The report is a very positive one. The family is ready and willing to support the subject who is a form I student at Dundori Secondary School and due to join Form II next year 2025. He does not abuse drugs nor alcohol. The report shows that he is remorseful, and ready to reform.



6. Considering his age, the trauma he has been through and the circumstances leading to the commission of the offence, I find a non-custodial sentence to be the only way out. I only hope that both the nuclear and secondary family members will find it sincerely in their hearts to forgive the subject (PMK). Let it be an opportunity for them and the Probation officer to organize for some counselling lessons for him.
7. The subject is hereby placed on probation for three (3) years. The conditions are clearly explained to him.
8. Orders accordingly

DELIVERED, DATED AND SIGNED THIS 27TH DAY OF NOVEMBER, 2024 IN OPEN COURT AT NAKURU.

H. I. ONG'UDI

JUDGE

