



**Republic v Muchangi (Criminal Case 24 of 2018)
[2024] KEHC 16131 (KLR) (19 December 2024) (Sentence)**

Neutral citation: [2024] KEHC 16131 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE 24 OF 2018
JM NANG'EA, J
DECEMBER 19, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

GIVEL WAWERU MUCHANGI ACCUSED

SENTENCE

1. This matter comes up for sentencing of the offender following his conviction by my brother H. M. Nyaga (J) on 27th July, 2024. He has no previous criminal records. The deceased were his very close relatives, his wife and child. The defence Counsel pleads for a non-custodial sentence so that the accused takes care of his remaining children. The court is told that the offender’s criminal acts were a consequence of substance abuse. The defence further points out that as per the Probation Officer’s Report filed herein the deceased’s family is not opposed to a non-custodial sentence. The court is further urged to take into account that the offender has been in remand custody since 2018.
2. The prosecution Counsel noted that although the accused is a first offender, the serious aggravating factors should be considered. It is observed that the accused used a jembe and a knife to attack his victims thereby occasioning untold trauma to the deceased persons’ other relatives on the community. The Republic therefore urges a deterrent custodial sentence.
3. I have considered the submissions and perused the Probation Officer’s Report dated 15th October, 2024. The offender is stated to be 47 years old. Contrary to the defence Counsel’s statement, the adult deceased person’s relatives are not shown to favour a non-custodial sentence. Instead they lament about immense trauma caused to them and the community and leave the matter “to God”.
4. I have considered Counsel submissions and further derive guidance from the Judiciary Sentencing Guidelines. Credit is given to the offender for the reason that he has no previous criminal records. I, however, agree with the prosecution that the circumstances in which the offences were committed are



very aggravating. The convict brutally attacked his wife and child who depended on him for protection using a jembe a knife. Even if he was under the influence of a stupefying substance, he voluntarily decided to use the substance before he committed the murders.

5. Upon considering all relevant factors, the offender is hereby sentenced to 37 years imprisonment on each of the two (2) counts. The sentences will be served out concurrently given that they were committed in the course of the same transaction.
6. Pursuant to the proviso to Section 333(2) of the *Criminal Procedure Code*, the period in which the offender was in custody is discounted. Accordingly the 37 years period will commence from the date of his arrest on 15th May, 2018 as per the record.
7. It is so ordered.

J. M. NANG'EA, JUDGE.

RULING DELIVERED THIS 19TH DAY OF DECEMBER, 2024 IN THE PRESENCE OF:

The state, Ms Sang

Ms Mugweru Advocate for the accused, present

Accused, Present

The Court Assistant, Lepikas

J. M. NANG'EA, JUDGE.

