



**Republic v Njoroge (Criminal Case 19 of 2018)
[2024] KEHC 16226 (KLR) (18 December 2024) (Sentence)**

Neutral citation: [2024] KEHC 16226 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE 19 OF 2018
HI ONG'UDI, J
DECEMBER 18, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

COLLINS MAINA NJOROGE ACCUSED

SENTENCE

1. Collins Maina Njoroge the accused was charged and convicted of the offence of murder contrary to section 203 as read with section 204 of the penal code. Section 204 of the [Penal Code](#) on sentence for murder provides as follows:

“ Any person convicted of murder shall be sentenced to death”
2. Mrs Okok the prosecution counsel submitted that the deceased met his death in very unfortunate circumstances on allegations of him being a thief. She urged the court not to rely on the pre-sentencing report. She recommended a sentence of ten (10) years imprisonment.
3. M/s Chepng'etich for the accused submitted that the accused was very remorseful saying that the two (2) families were seeking reconciliation and the chief's letter had been annexed. She further submitted that the accused is married with four (4) young children whose mother is not employed, and his parents are aged. That being a first offender the court should consider the pre-sentencing report and give him a non-custodial sentence, or a short custodial sentence.
4. A pre-sentencing report dated 25th November, 2024 was filed by Mr. Salim Assumani, a Probation officer based in Nakuru. The report shows that the two families are willing to reconcile, and the community is ready and willing to receive the accused back home. The record recommends for a non-custodial sentence.



5. I have considered the pre-sentencing report, mitigation and the observation by the prosecution counsel. I have equally considered the circumstances under which the deceased met his death. The deceased may have been a thief as his family members and the community allegedly knew him. Did he however have to meet the kind of death he did? Why didn't they report him to the police?
6. It is also clear in my mind that the police were involved in all that happened to the deceased. Had serious investigations been conducted, they would have been the accused's co-accused in this murder case. That was never to be, since the police covered themselves. The deceased may not have physically lynched the accused but the role he played is clearly set out in the evidence and the judgment, before this court.
7. After doing an analysis of all the above, I find it fair and just to hand the accused a custodial sentence. Kenyans should learn never to take the law in their own hands. He is sentenced to nine (9) years imprisonment from today's date since he was out on bond during the hearing of this case.
8. Orders accordingly

DELIVERED, DATED AND SIGNED THIS 18TH DAY OF DECEMBER, 2024 IN OPEN COURT AT NAKURU.

H. I. ONG'UDI

JUDGE

