



**Republic v Gacheru (Criminal Case 8 of 2017)  
[2023] KEHC 3606 (KLR) (26 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3606 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAHURURU  
CRIMINAL CASE 8 OF 2017  
CM KARIUKI, J  
APRIL 26, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**NATHANIEL KIMUNU GACHERU ..... ACCUSED**

**RULING**

1. The Accused was charged with murder and convicted after a full trial and now faces a sentencing verdict.
2. The prosecution reported to the court that the accused is a first offender in mitigation; Defence Counsel Njoki urged the court to consider the accused's status as a first offender and that he is repentant and remorseful. He has been in custody for close to (ten) 10 years and has family and children.
3. The Probation Officer filed Post Conviction Report on the accused, recommending that the victim's wife's views be considered in the sentencing verdict. She has suffered trauma together with her children.
4. They have also been subjected to financial hardship as their provider left the spouse with three young children (victim herein).
5. She claimed the accused had threatened her during the matter hearing for her opposition to a non-custodial sentence and her call for the accused to be jailed for life.
6. The Probation Officer has also urged the court to take to account interventions required in the accused position and situation, namely Economic Empowerment and access to requisite medication, as he (the accused) claimed to have been suffering from mental health problems plus his need to be put in guidance and counseling program on responsible living in the society.
7. The court also gathers from the report that the accused attitude towards the offence and state of his mind is that he was framed and thus not repentant nor remorseful.



8. The purpose of the sentence of an offender is for:
  - i. Retribution
  - ii. Deterrence
  - iii. Rehabilitation, among other things
9. The offense committed was brutal and grisly. The deceased body was cut into several pieces and dumped into a pit latrine.
10. This was, by any standard, extremely cruel and grossly inhuman. No justification can be rendered to justify such a brutal and satanic act. The court has considered the above circumstances of the killing, and the accused was a first offender and has been in custody for nearly ten years. Also, the recommendations and interventions as set out in the Probation Officer Post Conviction Report.
11. I find in totality that the appropriate sentence is 35 years.
12. The accused will thus serve a sentence of thirty-five years imprisonment with effect from the date of arrest.

**DATED, SIGNED, AND DELIVERED AT NYAHURURU ON THIS 26<sup>TH</sup> DAY OF APRIL 2023.**

.....

**CHARLES KARIUKI**

**JUDGE**

