



**Republic v Mwangi alias Peter (Criminal Case E059 of 2022)
[2023] KEHC 21037 (KLR) (26 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 21037 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E059 OF 2022
HK CHEMITEI, J
JULY 26, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

RONALD MWANGU ALIAS PETER ACCUSED

RULING

1. The accused had earlier been charged with the offence of murder contrary to section 203 as read with section 204 of the *Penal code*. After plea bargaining the same was reduced to manslaughter.
2. The particulars of the offence were that on 21st day of October 2022 at Mangu area of Rongai sub county within Nakuru county murdered one Evans Amene Nandwa.
3. The accused admitted the charge and plea of guilty was entered after admitting the facts.
4. The court directed that a presentencing report be prepared in respect to the accused before sentence. The same dated 5th June 2023 has been placed before me.
5. In his mitigation the accused pleaded for leniency and said that he was an orphan and a first offender. That he had young children to take care of aged 14 and 8 years and that he was remorseful.
6. The presentencing report indicates that the victim's family had moved on and that they were willing to reconcile with the accused and his family. They however left it to the discretion of the court.
7. The learned State counsel as well left it to this court.
8. I have looked at the circumstances of the whole case and I find that it was premeditated as the accused suspected the deceased to have had an affair with his wife for a while. The action of taking a knife and stabbing the deceased cannot be said to be spontaneous or instantaneous and in the nick of hot temper and or provocation.



9. The accused should have taken time to cool off and in any case, they were no longer staying with his wife.
10. In the premises I hold that the accused must serve a custodial sentence and not probation as requested by the probation report. The time he will spend in custody will give him time to reflect and manage his anger.
11. Considering that he admitted the offence this court takes it as a positive sign and a person ready to learn and suffer for his action which caused a death of a young person who was in his prime age. There was no evidence that he had an affair with the accused wife.
12. The accused is hereby sentence to serve Five (5) years imprisonment from the date herein.

DATED SIGNED AND DELIVERED AT NAKURU VIA VIDEO LINK THIS 26TH DAY OF JULY 2023.

H K CHEMITEI
JUDGE

