



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MURANG'A**

**CRIMINAL CASE NO. 10 OF 2017**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**ESTHER NJERI NDUATI.....ACCUSED**

**SENTENCE**

1. The accused pleaded guilty to the offence of *manslaughter* under a plea agreement recorded on 21<sup>st</sup> February 2022. It is a grave felony which attracts life imprisonment.

2. In the afternoon of 14<sup>th</sup> March 2017, the accused, like one possessed, viciously attacked Julia Wanjiku Githae (the deceased) using a sharp *panga*. The fatal blows were aimed at her head and hands. The accused then started wailing and running towards a shopping centre. She was shouting that she had killed a witch. The autopsy shows that death resulted from “*exsanguination and cord contusions due to multiple cuts on the neck and wrist severing blood vessels*”

3. I have paid heed to the mitigation tendered by her counsel, *Ms. Waititu*. The accused is a first offender and regrets her conduct. Despite her claims of suffering from hallucinations, medical evidence shows that she was in full control of her faculties. She must thus bear the consequences of her actions.

4. Sentence *should be commensurate to the moral blameworthiness of the offender* but also guided by the *nature and gravity of crime*. The accused shall serve *five (5) years* imprisonment. The sentence shall run from 14<sup>th</sup> March 2017, the date when she was first arrested and placed in custody.

It is so ordered.

**DATED, SIGNED AND DELIVERED AT MURANG'A THIS 24TH DAY OF FEBRUARY 2022.**

**KANYI KIMONDO**

**JUDGE**

**Sentence read in open court in the presence of-**

Accused.

Ms. A. Gakumu for the Republic.

Ms. C. Waititu for the accused.

Ms. Susan Waiganjo, Court Assistant.