



**Republic v Kinyangi (Criminal Case E022 of 2022)
[2022] KEHC 16468 (KLR) (19 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16468 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAHURURU
CRIMINAL CASE E022 OF 2022
CM KARIUKI, J
DECEMBER 19, 2022**

BETWEEN

REPUBLIC PROSECUTION

AND

NATASHA WANJIRU KINYANGI ACCUSED

RULING

1. The accused was charged with offence of murder and she pleaded not guilty and thus matter fixed for probation report with a view of determining suitability of her release on bond/bail.
2. Meanwhile the defence proposed to initiate a plea bargain as the incident was domestic fight in which accused had stabbed the victim (her husband) who succumbed to the injuries. subsequently a plea bargain was entered into sequel by accused, ODPP and defence counsel.
3. Charge of manslaughter was filed to substitute the one of murder and the accused pleaded guilty to the charge and admitted fact as set out in the agreement that she stabbed her husband with kitchen knife while he was beating her while drunk at late night.
4. The prosecution told court that she was a first offender.
5. The defence filed written accused person's mitigation

In Mitigation

6. The accused person stated that, she has never been arrested, charged and/or convicted of any other offence before, be it a misdemeanor or a felony.
7. That she was born on April 24, 1996. She is 26 years old. Her mother is deceased. Her father is still alive and is known as Humphrey Kinyangi. The accused's father resides at Barut in Nakuru together with the accused's siblings.



8. She is the first born of six (6) children namely:
 - i. Rebecca Kabei — 22 years old Shadrack
 - ii. Shadrack Ilagunza — 20 years old
 - iii. Samuel Mulindi — 16 years old
 - iv. Benjamin Macharia — 14 years old
 - v. Isaac Isadia — 8 years old
9. The person is a mother of one (1) child namely:
 - a) Angel Grace Wambui — 6 Years Old
10. She has been estranged from her in-laws since she was arrested. They are however both alive and living as retirees and subsistence farmers in Miharati, Nyandarua County.
11. Following the arrest and placement into police custody of the accused, her daughter was placed in the physical custody of the accused person's father where she remained until the release of the accused on bond. Although the father is dependable, this change in environment undoubtedly caused an upheaval in the child's life. Moreover, the accused's father has other responsibilities to the accused's younger siblings most of whom are minors.
12. For the three (3) months the accused was in remand, her young daughter's schooling and home life were interrupted. The now family of two is just now trying to regain a balance in their lives. A custodial sentence would only serve to cause further upheaval in the child's life.
13. The best decision would be for the accused to be set free so that she can look after her child.
14. A perusal of the case file will show that the accused person assaulted the deceased while defending herself from his assault. She was perhaps a bit too zealous in defending herself. Nonetheless. As human beings, we can and should empathize with the situation the accused person found herself in. In different circumstances, she might very well have been the murder victim!
15. Page 2 of the plea agreement filed in court has brief facts of the case and should be of assistance to the court to appreciate what exactly happened. Thus, court is implored to extend its hand of mercy to the accused person.
16. The accused person has been in remand custody from August 16, 2022 until her release on bond on November 12, 2022. For the three (3) months she has been in custody, she has reflected upon herself and she is extremely sorry that it came to this. She is aware that a life was lost and that all life is precious. She is sad that she lost a life partner and the father to her child. It is primarily because the accused person is remorseful that she took a decision to plead guilty to manslaughter.
17. In view of the foregoing, court is implored to award accused a non-custodial sentence, or better yet, that she be considered to have already served her term during the months she has been in custody.

Determination

18. I have gone through the mitigation and taken same into consideration and I am of the view that the deceased was totally unjustified in fighting the wife accused over food yet he had not funded her to procure the same. Then when he came home after midnight drunk without food or fund to sponsor



same without sympathizing with wife and his daughter sleeping unfed, he visited the accused with unprovoked beatings (domestic violence).

19. However, the accused also administered not less than 3 severe stabs wounds upon the assailant thus she was not absolutely exonerated.

20. But due to the minor girl sympathy by the court, I award her twelve (12) months suspended sentence.

DATED, SIGNED AND DELIVERED AT NYAHURURU THIS 19TH DAY OF DECEMBER 2022.

CHARLES KARIUKI

JUDGE

