



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CRIMINAL CASE NO. 23 OF 2016

BETWEEN

REPUBLIC.....APPLICANT

VERSUS

EVANS KARARI MWANGI.....ACCUSED

RULING ON SENTENCE

1. **EVANS KARARI MWANGI (Evans)** was on 22nd April, 2021 convicted of the murder of **CAROLINE WANJIRU MAINA**.

FACTS

2. The deceased was Evan's common law wife. They had lived together for 7 years. Although the pre-sentencing report indicates they had children in that marriage, the prosecution's evidence, which was not challenged by Evans was that they did not have children.

3. That marriage was turbulent. The trial court found Evans often savagely attacked the deceased. On the night in question the deceased and Evans were on their way home after closing their bar. It was 2.00 a.m. Evans was the last person to be seen with the deceased alive. After analysis of the evidence adduced before court, the court concluded that Evans murdered the deceased.

4. The deceased was found dead on the road the next morning. The cause of death was stated by the pathologist to have been due to chest injuries due to penetrating sharp force trauma (stab).

5. The defence offered by Evans, that he and the deceased were attacked by thugs and he ran away, was rejected by this court.

ANALYSIS AND DECISION

6. Evans, in the time he lived with the deceased he was very violent towards her. Deceased's mother testified how she was often woken up by her daughter, the deceased, requesting her to pick her from their matrimonial home after Evans had assaulted her. The killing of the deceased was an escalation of the violence meted out on the deceased by Evans. I have considered the case **REPUBLIC VS. GABRIEL MARI GAKUI (2021) eKLR** where it was stated as follows:

"8. It is useful to consider what sentencing of an offender by the court means. This was discussed in the case R V Pearson 2002 NBQB 218 (canLII) as follows:

'...sentencing is the public pronouncement of punishment administered by the authority of the court as trustee of the public's confidence. It ought to be imposed in a way that applies the rule of law, tempered with justice, administered with the knowledge, good conscience, instincts and experience of the judge and guided where appropriate by persuasive or binding precedent. In my view, the essential purpose of sentencing is to maintain respect for the law by which society chooses to regulate itself, thereby ensuring the peaceful enjoyment, order and safety of its citizens. The community expects the court to enforce its standards, to denounce unlawful conduct and to deal firmly but fairly with those persons convicted of crime. In determining a fit and proper sentencing, well-recognized principles have come to be applied in this jurisdiction. The primary consideration is always protection of the public. In addressing that primary concern, the sentencing judge is obliged to ask whether such protection may best be achieved by specific deterrence of the offender, general deterrence of those similarly disposed, rehabilitation of the offender, or some combination thereof.'"

7. Accordingly, bearing in mind the pre-sentencing report and the mitigation made, I hereby sentence **EVANS KARARI MWANGI** to serve 25 years imprisonment for the murder of **CAROLINE WANJIRU MAINA**. That sentence shall be calculated from 12th December, 2016 when **Evans Karari Mwangi** was placed in custody awaiting the conclusion of his trial.

RULING DATED AND DELIVERED AT KIAMBU THIS 29TH DAY OF JUNE, 2021.

MARY KASANGO

JUDGE

Coram:

Court Assistant: Ndege

Accused: Present

For Accused: Mr. Njehu

For DPP: Mr. Kasyoka

COURT

Ruling delivered virtually.

MARY KASANGO

JUDGE