



**Republic v Karanja & another (Criminal Case E014 of 2024)
[2025] KEHC 538 (KLR) (23 January 2025) (Sentence)**

Neutral citation: [2025] KEHC 538 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT THIKA
CRIMINAL CASE E014 OF 2024
FN MUCHEMI, J
JANUARY 23, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

MICHAEL GITAU KARANJA 1ST ACCUSED

LUCY WANJIRU KARANJA 2ND ACCUSED

SENTENCE

Introduction

1. The accused persons were originally charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. A plea of not guilty was entered in respect of both accused persons. Later on, the accused persons entered into a plea agreement that was filed in court on 28th October 2024 for a lesser offence.
2. The accused persons pleaded guilty to the lesser charge of manslaughter contrary to Section 205 of the Penal Code and were convicted accordingly.

Brief Facts

3. On the material day, one Schola Wambui the mother of the two accused persons accused the son of the 2nd accused one Samuel Karanja of stealing her avocados from her farm and selling them. The second accused was infuriated and confronted her mother. Together with her son, the 2nd accused armed with themselves with a panga and a thick stick respectively ready to attack Schola. The deceased came to the scene armed with a panga and a spear ready to defend his mother Schola from the two aggressors. The 1st accused joined the fray armed with a panga and a spear. A fight ensued and as a result, the deceased hit the son of the 2nd accused by hitting him on the chest with the blunt side of the panga he was armed with. The 2nd accused hit the deceased with a thick stick on the forehead. The 1st accused attacked the



- deceased with a panga severing two fingers of the right hand. He then stabbed the deceased using a spear on the right side of the neck. The deceased fell down and collapsed and shortly died.
4. The two accused persons were arrested on the 23rd and 27th March 2024 respectively and later charged in court. The post mortem report by Dr. Mathaiya J. N. dated 2nd April 2024 indicated that the cause of death was multiple injuries on the neck and chest due to a single penetrating trauma consistent with homicide. The two accused persons were found mentally fit to plead by Dr. Linet Kenchi in the reports dated 8th May 2024.
 5. The defence counsel Mr. Waweru gave the mitigations of the two accused persons. As for the 1st accused, it was submitted that he was remorseful and had sent an apology through his wife to the widow of the victims family. He said he has a wife and five (5) children who depend on him for support and that his family had been evicted from their family home on the larger family since he was arrested. He admitted there were long standing family land disputes which had been reported to the area chief. He said the deceased was a hot-tempered man which contributed to the fight during the incident. He said that during his stay in prison, he had joined a Christian Association and had learnt the importance of self- control and had reformed upon giving his life to Jesus Christ. Aged 45 years and with a young family, he pleaded for a non-custodial sentence.
 6. Regarding the 2nd accused, the defence counsel said she is apologetic for her actions that led to the death of her own bother and had apologised to her mother and the victim's family through her sister. She regretted that her son Samuel Karanja was hurt during the unfortunate incident that resulted in the death of her brother and sustained a head injury. Her plea is that her actions were not premeditated but she was defending her own son in the fracas. For the time she has been in prison, she has embraced Christianity and studied the bible which had led her to transformation in character. Her family has been evicted from the family home since her arrest. At the age of 42 years, her health is not good in that she has a growth in her chest and attends medical appointment at Kenyatta National Hospital. Her prayer is that she be accorded a non-custodial sentence.
 7. The defence counsel said that the two accused have been in custody for none (9) months since their dates of arrest and he asked the court to consider this period in sentencing them.
 8. The prosecution stated that the accused persons did not have previous convictions. The prosecution further said that the 1st accused person was not remorseful and did not have close family ties. The prosecution further stated that the victim is still struggling with the loss of the deceased while the deceased's wife is struggling to provide for her family. The prosecution stated that there were previous fights between the accused persons and the deceased. It was further stated that a deterrent sentence ought to be imposed to ensure that justice to the victim's family was served.
 9. The prosecution stated that the 2nd accused had issued threats and verbal abuse to the deceased before the incident. She had been threatening the victim's family whilst in custody which rules out remorse on her part in regard to the offence. The bone of contention is the land dispute amongst the family members and has generated a lot of animosity and violence in the family. The prosecution stated that if the 2nd accused person was accorded a non-custodial sentence, she would most likely harm the victim's family. As a brother of the deceased, one Amos Mambo said that the 2nd accused had threatened to kill him too which is evident in the presentence report. The area chief confirmed the threats on the victims by the 2nd accused. As such, the prosecution urges the court to give a custodial sentence in regard to the 2nd accused to serve as a deterrent sentence.
 10. The presentence reports placed the ages of the two accused at 52 and 45 respectively. In summary, the interview of most of the family members, the provincial administration revealed a family characterised



with conflict and hostility among themselves due to land dispute where their mother seemed to favour the deceased in the proposed sharing of the family land. The family and the community were psychologically affected by the death of their son and are not ready to accept the two accused persons back home and call for severe custodial sentence. However, the mother of the 1st accused said she wanted her son back home but another son was opposed to that position. The probation officer recommended custodial sentence for both accused persons in the report.

12. I have considered the factors set out in Judiciary Sentencing Policy in regard to sentencing as well as mitigation of the accused persons. In my considered view, a non-custodial sentence is not appropriate having regard to the circumstances of the offence. An innocent life was lost due to squabbles which could have been resolved amicably within the family. A deterrent sentence is appropriate in this case to serve a lesson to the accused persons as well as would-be offenders to discourage senseless killings. However, this court considers that by the act of pleading guilty to the offence, the accused persons saved the precious time of the court. This is a factor that the court takes into consideration and mitigates in regard to the two accused persons.
13. The record shows that the accused persons have been in custody since the dates of their arrest being the 23rd and 27th March 2024.

Pursuant to Section 333 of the Criminal Procedure Code, the court will take into account this period in sentencing the accused persons as required.
14. The accused persons are hereby sentenced to serve ten (10) years imprisonment to commence from the dates of arrest being 23rd March 2024 for the 1st accused and 27th March 2024 for the 2nd accused.
15. It is hereby so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT THIKA THIS 23RD DAY OF JANUARY 2025.

F. MUCHEMI

JUDGE

