



**Republic v Mwangi (Criminal Case 28 of 2020)
[2025] KEHC 1571 (KLR) (20 February 2025) (Sentence)**

Neutral citation: [2025] KEHC 1571 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE 28 OF 2020
JM NANG'EA, J
FEBRUARY 20, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

KARIUKI MWANGI ALIAS (JOSEPH KB) ACCUSED

SENTENCE

1. The offender has been convicted of the capital offence of Murder Contrary to Section 215 of the [Criminal Procedure Code](#). The court thereafter called for the Probation Officer's Pre-sentence Report which has been put in.
2. The defence Counsel (Ms Otokoma) states in her mitigation submissions that the convict is married and has several children dependent on him. He is also said to have fallen sick while in custody.
3. Citing the case of Republic vs Collet Tabitha Wafula [2016] eKLR, Counsel submits that in similar circumstances as obtained herein, the convict in that case was handed a three (3) year non-custodial sentence.
4. The court is further told that the offender has no previous criminal records and has undergone training in prison. He is also remorseful and had unsuccessfully tried to reconcile with the deceased's family, say Counsel.
5. While sentencing the offender, I am also urged to take into account the period he has spent in custody since his arrest on 10th July, 2020, pursuant to the proviso to Section 333(2) of the [Criminal Procedure Code](#).
6. The Prosecution Counsel, (Ms Sang) confirmed that the convict has no previous criminal records. Counsel refers to the Judiciary's Sentencing [Policy Guidelines of 2023](#) while noting that the deceased succumbed to excessive bleeding caused by a slash wound to the neck.



7. Ms Sang also wants the court to consider the psychological effect the marcabre killing caused the deceased's relatives. The court is told that based on the Probation Officer's Report the offender is not remorseful, blaming his son after the murder of his wife. The deceased's family indicates that they have not received any reconciliation overtures from the convict's family, according to the Prosecution Counsel. In the circumstances of the case, the Prosecution therefore opposes a non-custodial sentence and calls for a deterrent custodial sentence.
8. I have considered Counsel Submissions and taken into account all the relevant factors. The court is also guided by the Judiciary's Sentencing Policy Guidelines, 2023. Credit is given to the convict that he is a first offender and he is undergoing rehabilitation in view of the training he is getting in prison.
9. The convict is, however, not remorseful as he blames his son for the murder. The deceased's family has not come to terms with the murder and has not forgiven the accused. The Probation Officer's Report, however, indicates that the family is willing to discuss reconciliation with the offender's family. The Probation Officer does not make a specific recommendation on sentencing.
10. Bearing all the relevant circumstances, aggravating and extenuating ones in mind, I sentence the offender to twenty five (25) years imprisonment. The sentence will commence from the date the offender was arrested on 10th July 2020. He has 14 days to appeal the conviction and sentence.

J. M. NANG'EA, JUDGE.

RULING DELIVERED THIS 20TH DAY OF FEBRUARY, 2025 IN THE PRESENCE OF:

Ms Sang for the DPP

Ms Otokoma Advocate for the accused

Accused, present

Court Assistant (Jeniffer)

J. M. NANG'EA, JUDGE.

