



REPUBLIC OF KENYA



**KENYA LAW**  
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**Republic v Muriuki (Criminal Case E029 of 2021)  
[2025] KEHC 2342 (KLR) (6 February 2025) (Sentence)**

Neutral citation: [2025] KEHC 2342 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERUGOYA  
CRIMINAL CASE E029 OF 2021  
RM MWONGO, J  
FEBRUARY 6, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**ANTHONY MURAGE MURIUKI ..... ACCUSED**

**SENTENCE**

1. The accused was charged with murder contrary to Section 203 as read together with Section 204 of the *Penal Code*. The particulars of the offence are that on 27<sup>th</sup> June 2021 at Karikoini sublocation, Kangai location within Mwea West subcounty in Kirinyaga County, the accused murdered Esther Wanjiku Mugo.
2. The accused pleaded not guilty and the plea was duly entered. At the point of pretrial, the parties entered into a Plea-Bargaining Agreement dated 17<sup>th</sup> December 2024 signed by the accused, his advocate and the prosecuting counsel. The same was availed in court together with the Court Form for recording the plea agreement and the death certificate of the deceased.
3. The court was satisfied that the accused person understood his rights under section 137F of the *Criminal Procedure Code*. Consequently, the Plea Agreement has been adopted as part of the court record.
4. Accordingly, the accused person was convicted with the offence of Manslaughter contrary to Section 202 as read with Section 205 of the *Penal Code*. Under Section 205 of the *Penal Code*, the punishment for Manslaughter renders the accused liable for imprisonment for life.
5. The accused person availed his mitigation in writing and the court has duly considered it.
6. According to the Probation Officer's report dated 29<sup>th</sup> October 2024, the accused is 36 years old and he dropped out of school in form 2 due to financial constraints. He was raised alongside 2 siblings in



what seems to be a loving home. The accused is the spouse of the victim and they have a 10-year-old daughter. The accused's family and the victim's parents expressed that the marriage of the accused and the victim seemed to be a happy one and they were never involved in any physical confrontations. The accused regrets his actions on the day of the incident and stated that he is finding it difficult to have caused the death of his loving wife. Since the death of his wife, he has stopped drinking alcohol.

7. The accused said that the circumstances leading to the death of the deceased could have been avoided as he acted out of anger. The victim's parents have made peace with the death of their daughter and they even allowed her body to be buried at her husband's home. They stated that they have taken time to ponder on the matter and have resolved to forgive the accused. They recommended a non-custodial sentence so that the accused can care for his school-going daughter. The larger community does not view the accused as a threat since his action arose from an isolated unusual event that arose out of an otherwise peaceful marriage.
8. The facts of the case are as follows:

On the day of the incident, the accused borrowed the deceased's phone and while he was using it, a text message saying 'I love you' popped up. He was keen to determine who the sender of the message was and so he sent one shilling through Mpesa and it returned the name John Chomba. The accused confronted the deceased and asked who John Chomba was but she refused to tell him. Matters escalated and he took a kitchen knife which he used to stab her on the chest. The deceased screamed and some people came and helped her to get to the hospital where she succumbed to the injuries sustained.
9. The court in this matter is guided by the provisions of the Judiciary Sentencing Policy Guidelines 2023 as amended on direction of the Supreme Court in the case of *Muruatetu & another v Republic; Katiba Institute & 5 others (Amicus Curiae) (Petition 15 & 16 of 2015 (Consolidated))* [2017] KESC 2 (KLR).
10. In an ideal situation, the accused is to face a punishment of life imprisonment. The Court has considered the holding in the case of *Manyeso v Republic* [2023] KECA 827 (KLR) where the Court of Appeal held that a life sentence is indeterminate and unconstitutional as it constitutes an unjustifiable discrimination and is unfair and repugnant to the principle of equality before the law. As such the life sentence cannot be meted.
11. The prosecution has recommended a punishment of 10 years imprisonment while the accused has prayed for a non-custodial sentence. He stated that he was arrested in 2021 but was released on bond in 2023.
12. I hereby mete sentence as follows:
  - a. The accused is hereby sentenced to a term of four (4) years imprisonment which period shall take into account the time spent in custody. Thereafter the last two (2) years of his sentence term, the accused shall be on probation and shall undertake community service at a place and by facilitation and supervision of the Probation Officer.
  - b. Orders accordingly.

**DELIVERED VIRTUALLY AT KERUGOYA HIGH COURT THIS 6<sup>TH</sup> DAY OF FEBRUARY, 2025**

**R. MWONGO**

**JUDGE**

Delivered in the presence of:

Kamuga for the Accused Person



Mamba for the State

Francis Munyao - Court Assistant

