



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Kamau (Criminal Case E031 of 2023)
[2025] KEHC 913 (KLR) (4 February 2025) (Sentence)**

Neutral citation: [2025] KEHC 913 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E031 OF 2023
JM NANG'EA, J
FEBRUARY 4, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

JOHN KAMAU ACCUSED

SENTENCE

1. The accused was initially charged with the offence of Murder Contrary to Section 203 as read with Section 204 of the Penal Code. The particulars of the offence state that on the night of 4th and 5th August 2023 at Kaptembwo area, Nakuru West Sub County, in Nakuru County, he murdered Hellen Mideyo. He denied the offence.
2. The prosecution and the accused subsequently engaged in plea bargain that culminated in reduction of the Murder charge to Manslaughter Contrary to Section 205 of the Penal Code, to which the accused pleaded guilty and was convicted thereof.
3. Learned Counsel for the defence and the prosecution filed Written Submissions on sentence. The court called for and received Pre-Sentence Report from the Probation Officer for consideration.
4. The defence Counsel informs the court that the convict has a young child who is dependent on him. He is also said to have 3 other older children all of whom rely on him for their general welfare. The offender is further said to be remorseful and has reached out to the deceased family offering compensation. Stating that the deceased has no previous criminal records, Counsel further implores the court to take into account that his client agreed to the Plea Agreement thereby saving costs that would otherwise have been incurred in full hearing of the case. For the stated reasons inter alia the court is urged to mete out a non-custodial sentence so that the convict is assisted to manage his anger.



5. The Prosecution Counsel confirms that the offender has no previous criminal records. Counsel nevertheless recommends a custodial sentence, noting that the offender killed the deceased using a knife, for deterrence purposes.
6. The probation offender agrees with the defence and recommends a Probation sentence to allow for counselling of the offender. The two families are said to have reconciled. A letter to this effect purportedly executed by the deceased's relatives is annexed to the Probation Officer's Report.
7. I have considered the submissions. The convict is a first offender and has hearing impairment. It is apparent that the two families have reconciled.
8. The deceased suffered a painful death occasioned by multiple stab wounds using two knives on suspicion that she was committing adultery. The killing occurred in the presence of a minor who must have been traumatized. A custodial sentence is appropriate for deterrence and to keep the offender away from the affected child as the child goes through the healing process. He is sentenced to five (5) years imprisonment and he has 14 days to appeal the sentence only. The sentence commences from 5th August 2023 when the offender was arrested.

J. M. NANG'EA, JUDGE.

RULING DELIVERED THIS 4TH DAY OF FEBRUARY, 2025 IN THE PRESENCE OF:

Ms Sang for the DPP

Mr Wainaina Advocate for the Accused

Ms Edwina Hamisi, Sign Language Interpreter, present

Court Assistant (Jeniffer)

J. M. NANG'EA, JUDGE.

