



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Republic v Kebwaro & 5 others (Criminal Case E042 of 2022)  
[2025] KEHC 2095 (KLR) (4 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 2095 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL CASE E042 OF 2022  
JM NANG'EA, J  
FEBRUARY 4, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**EVANS MICHORI KEBWARO ..... 1<sup>ST</sup> ACCUSED**  
**KEVIN OMONDI OTIENO ..... 2<sup>ND</sup> ACCUSED**  
**JOSPHAT SIMIYU JUMA ..... 3<sup>RD</sup> ACCUSED**  
**JULIUS OMONDI OTIENO ..... 4<sup>TH</sup> ACCUSED**  
**DENNIS ALUSIOLA MMBOLO ..... 5<sup>TH</sup> ACCUSED**  
**ISAAC KINYANJUI NG'ANG'A ..... 6<sup>TH</sup> ACCUSED**

**RULING**

1. The 1<sup>st</sup> accused herein Evans Michori Kebwaro together with others were jointly charged with the offence of Murder Contrary to Section 203 as read with Section 204 of the *Penal Code*. It is alleged that on 21<sup>st</sup> June, 2022 at Ngomongo Village, Rurii Sub Location, Nakuru North Sub County in Nakuru County, they murdered Susan Wambui Ngige. They denied the offence. Thereafter the 1<sup>st</sup> accused entered into plea bargain with the prosecution which culminated in reduction of the murder against him to the lesser offence of Manslaughter Contrary to Section 202 as read with Section 205 of the *Penal Code*. The 1<sup>st</sup> accused was separately charged with this offence to which he pleaded guilty and was convicted thereof.
2. Before the 1<sup>st</sup> accused could be sentenced, the court called for the Probation Officer's Report on him. That report has been presented.



3. The 1<sup>st</sup> accused's advocate (Mr. Opondo) made mitigation submissions. Counsel told the court that his client is entitled to credit for entering into the Plea Agreement thereby reducing litigation costs. He is also said to be remorseful and has no previous criminal records. A non-custodial sentence, or at worst, a short prison term is recommended.
4. The Prosecution Counsel (Ms Sang) replied that contrary to the defence submissions, the 1<sup>st</sup> accused has two (2) previous criminal records in Nakuru High Court Criminal Cases Nos. E039 of 2022 and E041 of 2022 in which he was sentenced to twelve (12) years and twenty eight (28) years in prison. While appreciating the 1<sup>st</sup> accused's co-operation with the Prosecution, Counsel is of the opinion that a custodial sentence is warranted.
5. The defence Counsel further responded confirming that his client was earlier convicted and sentenced as stated by the prosecution. He, however, pointed out that the 1<sup>st</sup> accused also co-operated with the prosecution in those cases.
6. I have considered Counsel Submissions and also perused the Probation Officer's Report. The 1<sup>st</sup> accused is said to have lost his family connections and has no fixed abode. The victim's family is said to want justice after the loss of their dear one. Further for the reason that the offender has other pending criminal cases, the Probation Officer does not recommend a non-custodial sentence.
7. Indeed, the offender is not suitable for a non-custodial sentence given his previous convictions in respect of which he is serving prison terms. In any case, he has no fixed place of abode that would enable his supervision want the court to hand him a non-custodial sentence.
8. The court, however, takes into account the mitigation circumstances alluded to by the defence and Prosecution Counsel. The offender is a youth aged twenty seven (27). The court is further guided by the Judiciary's Sentencing Guidelines that have been developed. Taking all these circumstances into account, the offender, Evans Michori Kebwaro, is sentenced to ten (10) years imprisonment. The sentence will commence from 20/7/2022 when he was arrested and remanded in custody.

**J. M. NANG'EA, JUDGE.**

**RULING DELIVERED THIS 4<sup>TH</sup> DAY OF FEBRUARY, 2025 IN THE PRESENCE OF:**

Ms Sang for the DPP

Mr. Opondo Advocate for the 1<sup>st</sup> accused

Accused, All present

Court Assistant (Jeniffer)

**J. M. NANG'EA, JUDGE.**

