



**Republic v MWK & another (Criminal Case E020 of 2015)
[2025] KEHC 3012 (KLR) (13 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3012 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E020 OF 2015
JM NANG'EA, J
MARCH 13, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

MWK 1ST ACCUSED

SRW 2ND ACCUSED

RULING

1. The second accused herein (SRW) was on November 28, 2024 convicted of the capital offence of Murder before my brother Hon. Justice H. M. Nyaga. He and another had been charged with murdering Simon Nyoike on March 27, 2015 at Ruiru Village, Solai Division of Rongai Sub County in Nakuru County. It is common ground that the accused was not mentally fit to undergo trial as certified by a psychiatrist. The court’s verdict appears to have been that of guilty but insane.
2. Citing various cases including *Republic vs SOM* (2017) eKLR, the defence Counsel submit that the convict is a sick person who should be accorded treatment and not imprisoned. The Prosecution Counsel agrees and so do the deceased’s parents who also filed pre-sentence submissions.
3. In *Wakesho vs Republic Criminal Appeal* (2021) KECA 223 KLR, it was ordered in similar circumstances that the offender be taken to a mental institution until such a time that he is no longer a danger to society or to himself.
4. In *Republic vs SOM* (2017), the offender was initially committed for 15 years subject to periodic review by the court.
5. The convict herein is committed to Mathari Mental Hospital for Medical attention for a term of five (5) years subject to periodic review upon receipt of a Psychiatrist’s Report.

J. M. NANG’EA - JUDGE



Ruling delivered this 13th day of March, 2025 in the presence of:

Ms Sang for state

Court Assistant (Jeniffer)

Accused 2, present

Mr. Muthanwa Advocate for accused 2

J. M. NANG'EA - JUDGE

