



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Kundu (Criminal Case E014 of 2024)
[2025] KEHC 4708 (KLR) (4 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4708 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
CRIMINAL CASE E014 OF 2024**

REA OUGO, J

APRIL 4, 2025

BETWEEN

REPUBLIC PROSECUTION

AND

MARGARET MALOBA KUNDU ACCUSED

RULING

1. Margaret Maloba Kundu pleaded guilty to the offence of manslaughter and was been convicted as charged. She unlawfully killed her husband, Maurice Mukisu Kundu. She is a first offender.
2. I have considered the presentence report. It indicates that the accused is 66 years old and she committed the offence having been provoked by her husband after he sold her land. It is stated that she acted in self-defense. Her sons have forgiven her, and the family too. The report recommends a non-custodial sentence.
3. Miss Natwati, for the accused gave a brief history on what lead to the accused committing the offence. The couple had domestic issues and she was in an abusive marriage. The deceased sold land recklessly. Counsel relied on 2 cases, the cases of Geoffrey Kiptoo Sawe vs Republic Eldoret Court of Appeal Criminal Appeal No. E067 of 2022 and Republic vs Truphena Ngonga Aswani Siaya High Court Criminal Case No. E011 of 2020, to support the accused's plea for provocation and lenient sentence.
4. I have considered the facts as narrated by the prosecution. The accused inflicted severe injuries on the deceased by using an axe and inflicted a big cut on the deceased's stomach, plus there was a complete disconnection of the spinal column at the lumbar region. These injuries were grievous and the deceased died due to massive bleeding. The accused disposed off the body in a nearby river.
5. I have considered her age, the judiciary guidelines on sentencing, the sentence provided in law for the offence of manslaughter. I have considered that she has been in remand from 12.3.2024.



6. I sentence the accused person to serve eight (8) years' imprisonment. The period she has been in remand will be taken into account as per the provisions of section 333 (2) of the *Criminal Procedure Code*.

Dated, signed, and delivered at Bungoma this 4th day of April 2025.

R.OUGO

JUDGE

In the presence of:

Margaret Maloba Kundu /Accused

Miss Natwati -For the Accused

Miss Matere -For the State

Wilkister - C/A

