



REPUBLIC OF KENYA



**Republic v Makau (Criminal Case E031 of 2023)  
[2025] KEHC 4037 (KLR) (Crim) (1 April 2025) (Sentence)**

Neutral citation: [2025] KEHC 4037 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CRIMINAL  
CRIMINAL CASE E031 OF 2023**

**K KIMONDO, J**

**APRIL 1, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**PRESIAH MUTAVE MAKAU ..... ACCUSED**

**SENTENCE**

1. The accused pleaded guilty to the lesser but cognate offence of manslaughter under a plea agreement recorded on 23<sup>rd</sup> October 2024.
2. On 2<sup>nd</sup> May 2023, Tylon Adoya Ahinga (hereafter the deceased) was at home in Eastleigh enjoying the company of his wife and their six-month-old-toddler. He then received a call from the accused which he dismissed as a mere threat.
3. At 21:00 hours, the accused came knocking. When the deceased opened the door, he found the accused standing outside. A fight ensued. According to his wife, the accused stabbed the deceased with a knife on the right shoulder leaving a gushing wound. He was rushed to the nearby Reeds Hospital where he succumbed to his injuries. The knife was recovered by the police the same night. The accused also suffered injuries in the scuffle and only surrendered to the police days later.
4. The deceased's body was removed to the City Mortuary. According to the postmortem report (exhibit 1), the cause of death was "massive haemorrhage due to incised wound at the border between the right clavicle bone and the deltoid region" which is consistent with the facts read out at the trial and admitted by the accused.
5. Learned prosecution counsel, Ms. Kigira, thus urged the court to mete out a deterrent sentence.



6. I have then considered the mitigation tendered on behalf of the accused by his learned counsel, Mr. Mokuu. The accused is a first offender, expresses remorse for her actions and pleads for clemency and a fresh start in life. In prison, she is an active church member and has undertaken courses including “the prisoner’s journey, Emmaus Biblical Course and Cross-Roads”.
7. I have also paid heed to the pre-sentencing report dated 21<sup>st</sup> February 2025 under the hand of Margaret Aduol, Probation Officer. The accused is 30 years old and was in a relationship with the deceased until they fell out in 2020. They have an eight-year-old son, L.J.A. (particulars withheld).
8. On the other hand, is the victim’s family. The deceased was aged 33 years and working as a mechanic near TRM Mall, Nairobi. Following his death, his wife and the young child were forced to relocate to the rural area in Nandi County and are still traumatized by the event.
9. The accused’s conduct and anger led to loss of an innocent life. It has left her own child without a father; and, also robbed the deceased’s second wife and young child of support. In a strange twist the macabre attack occurred in the presence of both women and their young children.
10. Sentence should be commensurate to the moral blameworthiness of the offender but also guided by the nature and gravity of crime. Manslaughter is a grave felony and attracts a sentence of life imprisonment. The fact that she used a knife to inflict a deep gushing wound on the shoulder of the deceased leading to massive blood loss remains a major aggravating factor.
11. Justice of the case thus demands a custodial sentence. It will also afford the accused an opportunity to further introspect and get anger counselling. I accordingly sentence the accused to serve six (6) years in jail. The sentence shall run from May 9, 2023, the date when she was first arrested and placed in custody.
12. The accused has a right of appeal to the Court of Appeal within 14 days and as per the Rules of that Court but only on the sentence. A copy of the proceedings and sentence shall be supplied to him immediately.

It is so ordered.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 1<sup>ST</sup> DAY OF APRIL 2025.**

**KANYI KIMONDO**

**JUDGE**

Sentence read virtually on Microsoft Teams in the presence of-

The accused.

Ms. Kigira for the Republic instructed by the Office of the Director of Public Prosecutions.

Mr. Mokuu for the accused.

Mr. E. Ombuna, Court Assistant.

