



**Sireo & another v Republic (Criminal Case 26 of 2017)
[2025] KEHC 4643 (KLR) (9 April 2025) (Sentence)**

Neutral citation: [2025] KEHC 4643 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL CASE 26 OF 2017
CW GITHUA, J
APRIL 9, 2025**

BETWEEN

EZEKIEL RAUTA SIREO 1ST ACCUSED

REUBEN LAPARAN SIREO 2ND ACCUSED

AND

REPUBLIC RESPONDENT

SENTENCE

1. The two accused persons, Ezekiel Rauta Sireo and Reuben Laparan Sireo were initially charged with two others with the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#). They were subsequently convicted on their own plea of guilty for the offence of manslaughter under a plea bargain agreement dated 20th November, 2023.
2. The particulars of the offence of manslaughter were that on the night of 4th and 5th March 2017 at Kagira Village in Mariira Location, Kigumo Sub-County within Murang'a County, the accused persons, jointly with others before the court, unlawfully caused the death of Peter Mwangi Ndirangu.
3. The brief facts of the case are that the two accused persons who are step brothers were employed by the deceased as watchmen to guard his two storey building in in Kagira market in which his two wives operated a bar and a hotel. On the night of 4th and 5th March 2017, the deceased was attacked while outside his house and as a result of his screams, neighbours rushed to the scene and took him to Githumu Mission Hospital for treatment. He was however pronounced dead on arrival.
4. Investigations regarding the identity of the deceased's assailants started and they led to the arrest of the two accused persons who had deserted their work place on the morning the deceased was murdered.



Upon arrest, they confessed to having participated in the murder of the deceased after they were paid Kshs.80,000 to eliminate him. The money was shared between the accused persons and another accomplice who is not before the court.

5. A post mortem examination conducted on the deceased's body revealed that the cause of his death was cardiopulmonary failure due to a severe head injury caused by a sharp object.
6. Learned Counsel Ms Kinyua in her plea in mitigation on behalf of both accused persons urged the court to note that the accused persons were first offenders and that they are remorseful for their unlawful actions; that they were accomplices to the offence having been used by the other accused persons to commit the offence. She submitted that the accused persons have now learnt their lessons during the period they had been in custody.
7. The court, upon hearing the above plea in mitigation ordered for filing of pre-sentence reports to guide it in determining the appropriate sentence for each of the accused persons.

A pre-sentence report was filed in respect of each of the accused persons on 18th November 2024. The reports captured the accused persons family background, views of the victim's family and the community at large.

8. I have considered the circumstances in which the offence was committed and the plea in mitigation made on behalf of each accused. I have noted that the accused persons do not have a record of previous convictions. They therefore qualify to be treated as first offenders.

I have also considered the content of the pre-sentence reports and the views expressed by the victim's family and the community in which the deceased hailed from.

9. According to the pre-sentence reports, the accused persons are genuinely remorseful for the offence they committed and appear to have been misled by the architects of this crime who wanted the deceased dead for their own selfish reasons.

I have also noted the recommendations made in the reports that the accused persons are suitable for a non custodial sentence which recommendation is supported by the victims family and members of the community in which the deceased hailed from.

10. It is not lost on me that manslaughter is a very serious offence that attracts a maximum sentence of life imprisonment.

However, considering the fact that the accused persons are first offenders and considering also that they have been in lawful custody for about eight years within which period they must have learnt their lesson and considering also the findings made in the pre sentence reports as well as the views expressed by the victim's family, I am satisfied that a custodial sentence in this case will not serve any useful purpose.

It will not serve any of the objectives of sentencing as stipulated in the Judiciary's Sentencing Policy Guidelines.

11. Consequently, I hereby exercise my discretion and sentence the two accused persons to serve three years on probation under the supervision of Mr. Geoffrey Mburu, Probation Officer Murang'a in liason with the Kilgoris Probation Office.

It is so ordered.

DATED, SIGNED AND DELIVERED AT MURANGA THIS 9TH DAY OF APRIL 2025

HON. C. W. GITHUA



JUDGE

In the presence of:

Both Accused 1 and 2 present

Ms Kinyua for the Accused persons virtually

Ms. Muriu for the State

Ms. Susan Waiganjo, Court Assistant

