Republic v Wanjohi (Criminal Case E001 of 2024)
[2025] KEHC 6612 (KLR) (22 May 2025) (Ruling)

Neutral citation: [2025] KEHC 6612 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NANYUKI

CRIMINAL CASE E001 OF 2024

AK NDUNG'U, J

MAY 22, 2025

BETWEEN

REPUBLIC ..... PROSECUTOR

AND

JOSEPH GITAHI WANJOHI ..... ACCUSED

RULING

1. Joseph Gitahi Wanjohi, (the Accused), is charged with murder contrary to Sections 203 and 204 of the *Penal Code*. The particulars were that on 13th January, 2024 at Kiburuti Village in Matanya Sub-Location in Laikipia Central Sub-County within Laikipia County murdered Rebecca Njeri Wanjohi.

2. On the 17th day of December 2024 he pleaded guilty to the charge and was accordingly convicted on an own plea of guilt.

3. The prosecution informed the court that they had no previous records on the Accused and he was therefore a first offender.

4. The Court directed that a pre-sentence inquiry report be prepared and filed and the Director probation and After Care Services duly complied and a report dated 19th May 2025 is on record.

5. In mitigation, Ms Ngugi, counsel for the Accused, submitted that her client is a 1st offender. That he is remorseful and prays for leniency from the court. He prays pardon from the court and family especially the mother. That he has reformed during his incarceration.

6. In their submission on sentence the state through Senior Prosecution Counsel, Ms Kimani the court is urged to consider that the deceased was a wife and a mother of 4. She was the care giver to her mother who is 81 years old and is disabled. That the murder happened in front of her. It was brutal. Further, that the Post Mortem report shows that the deceased was cut more than 5 times in front of the mother.

7. Counsel adds that the accused has been described as violent and aggressive. He should not benefit from a non-custodial sentence. That the family is opposed to a non-custodial sentence. The court is urged to impose the death sentence.

8. The pre-sentence inquiry report indicates that the offender has expressed remorse for his actions and he acknowledges the gravity of his offence and the unbearable pain he has caused the victim's family. He seeks forgiveness.

9. The report further indicates that the victim in this case is the late Rebecca Njeri Wanjohi, who was married to Peter Mwangi with whom they had four children, Kelvin Mwangi, Ambrose Wanjohi, Agnes Wachera and Serista Wairimu. They are all in college with the last born completing her KSCE exams in 2024. The deceased's husband continues to raise their children without her, the pain is both personal and financial.

10. The family of the deceased was interviewed both nuclear and extended. The husband to the deceased stated that he was robbed of his confidant and life partner. He did not anticipate that the offender, though a violent and hostile person could actually murder their loved one. The tragic events of that fateful day and subsequent follow ups with family members has had a profound and enduring impact on his entire family. The emotional and psychological toll continues to be deeply felt by their children. The elder son revealed that the absence of their mother in their lives has caused them immeasurable emotional pain, and they have struggled to cope with trauma of losing their mother.

11. It is expressed that the deceased's untimely death has left a significant void in the lives of her family members. The emotional toll on the victim's mother and siblings has been devastating, they are still mourning her loss. The family has been faced with a myriad of tragedies and the pain is too much to bear. The family is particularly affected by the brutal manner in which the deceased was murdered, especially in the presence of their mother who witnessed the whole incident.

12. The family is united in grief and continues to mourn her loss. They feel that life sentence would serve as an appropriate punishment to the loss of their loved one. The family is adamant that the severity of the crime and the profound impact it has had on their lives should be reflected in the offender's sentence.

13. On the Community attitude towards the offender and the offence, the local administrator revealed that he knows the offender and his family very well. The impact of the offender's actions has not only affected the victim's family but also wider community. The deceased was a well-respected member of the community. She assisted her elderly mother with house chores. The offender was described as a habitual vagrant in the community and a drug addict. His recent tragic incident has led a united community that is restorative justice, they are vying for his blood. The offender risks going back to a hostile community that is ready to lynch him for his heinous behavior. The community has expressed strong opposition to any form of non-custodial sentence due to the violent nature of the crime.

14. In conclusion the report states the victim's family seeks justice for the horrific crime committed against the deceased. They have expressed a strong desire for a life sentence, believing that such a sentence would reflect the gravity of the offence and the emotional toll it has taken on them.

15. It is recommended that in view of the gravity of the offence, the circumstances surrounding it, and the continued emotional impact on the family, a custodial sentence appears appropriate. There are no compelling mitigating factors to suggest that the accused is suitable for non-custodial intervention at this time.

16. The applicable law is found in Section 203 and 204 of the *penal code* as follows;

> " 203. Any person who of malice aforethought causes death of another person by an unlawful act or omission is guilty of murder.
>
> 204. Any person who is convicted of murder shall be sentenced to death."

17. I have factored in the gravity of the offence and the manner of its execution. This heinous crime is one that would call for the death sentence.

18. I have, however, considered the plea of guilt entered by the Accused. The same is a ready acknowledgement of the wrong doing which in itself demonstrates his taking responsibility and remorse.

19. I am persuaded that putting into account his mitigation and all other factors and noting the gravity of the offence and the Accused's stated violent nature and aggressiveness, the manner of execution of the crime, the profound adverse impact on the immediate family of the deceased and the community as well as the need to serve justice for a life so needlessly lost, a deterrent sentence is desirable.

20. The Accused is sentenced to life imprisonment.

DATED SIGNED AND DELIVERED VIRTUALLY THIS 22ND DAY OF MAY, 2025.

A.K. NDUNG'U

JUDGE