



**Republic v Mutie (Criminal Case E005 of 2022)
[2025] KEHC 6782 (KLR) (14 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6782 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE E005 OF 2022
WM KAGENDO., J
MAY 14, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

CHARLES MAINGI MUTIE RESPONDENT

RULING

1. Charles Maingi Mutie is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code in two counts. The Particulars of the first count are that on 2ND day of January 2022 at Bedesa Village, Kilibasi sub location, Kinanago sub county, within Kwale County murdered Valerian Nduko Maingi. The Particulars of the second count are that on the 2nd day of January 2022 at Bedesa Village, Kilibasi sub location, Kinanago sub county, within Kwale County, he murdered Maritima Mumo Maingi. The Prosecution tendered the evidence of 7 witnesses to support the charge that the accused person murdered the two minors
2. I have considered the seriousness of the offence herein, and circumstances under which it was committed; I have also considered the brutal and crude manner in which it was executed.
3. The innocent children were brutally murdered for no sin or crime committed. Their father who was supposed to protect them was responsible for the heinous act.
4. From the Mitigation on record he does not appear to be remorseful. I am ware hat sentencing is at the discretion of the court. It must however be commensurate or proportionate with the offence committed.
5. I note that even from the presentence report that even his own family members were shocked by this heinous act and they are against his release from custody.
6. As a father he ought to have protected these innocent lines but he acted in the most inhumane manner.



7. This is a dangerous person who should be kept away from society. I therefore sentence him in Count I to a prison term for the rest of his life.
8. The sentence in Count 2 is suspended.

DATED, SIGNED AND DELIVERED VIRTUALLY AT MOMBASA ON THIS 14TH DAY OF MAY, 2025.

LADY JUSTICE WENDY KAGENDO JUDGE

In the presence of:-

BEFORE HON. LADY JUSTICE WENDY KAGENDO

Court Assistant Beborra

Court Prosecutor Mr. Ngiri Accused person present

SIGNED BY: HON. LADY JUSTICE WENDY MICHENI

