



**Republic v Makori (Criminal Case E014 of 2022)
[2025] KEHC 5849 (KLR) (9 May 2025) (Sentence)**

Neutral citation: [2025] KEHC 5849 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KILGORIS
CRIMINAL CASE E014 OF 2022**

CM KARIUKI, J

MAY 9, 2025

BETWEEN

REPUBLIC PROSECUTION

AND

ALEX MOMANYI MAKORI ACCUSED

SENTENCE

1. The accused faces an offence of murder, however after the pre-trial directions, a plea Bargain process was entered into culminating to an Agreement and substitution of murder charge with charge of manslaughter which accused pleaded guilty to.
2. A plea of guilty was entered. On the facts, the circumstances for the killing were narrated in court as below.

The deceased was the accused person’s wife.

On the 31st of October 2022 at around 1800hrs, the accused arrived at his residence at Nyangusu area while drunk. He met his wife, the deceased in their house. Upon entry, the deceased began asking for money, from him for the upkeep of their children who were at their rural home in Nyamache sub-county within Kisii County.

An argument ensued. The deceased began calling him names. He got provoked and hit her hard on her face. He then went to the sofa and started sleeping. The deceased went into their bedroom from where the accused could hear her crying, but he continued sleeping.

On the following day, on 1st November 2022, the accused tried to call out the deceased up at 0500 hrs but she was unresponsive. He went into the bedroom where she lay and touched her, and she was unresponsive.



Suspecting that she had passed on, the accused feared for his life, believing that the neighbours would lynch him when they found out what had happened. The accused left the house and travelled home to his mother and informed her of what had transpired between the deceased and himself.

On 3rd November, the neighbours to the accused and the deceased noticed a foul smell emanating from the accused's rented house. They also noted that neither the deceased nor the accused had been seen recently, either entering or leaving their house. A neighbor called the police.

The police discovered the decomposing body of the deceased and a man hunt for the accused ensued to assist in investigations. The accused was arrested on 4th November, 2022 where after he confessed to murdering the deceased in a drunken stupor.

Postmortem examination was conducted on the deceased which revealed that she died due to a severe head injury due to a blunt force trauma. The accused was arraigned in court and charged.

3. The accused admitted the same facts rendering court to convict the accused on his own plea.
4. The prosecution indicated to court that there were no previous records. Thus, the court could treat the accused as the first offender. The accused's advocate mitigated to the effect that accused was a first offender. He is repentant and remorseful. Deceased was his wife who left two children who are very young, and he is the only one who can take care of the same.
5. He has reformed and stopped taking alcohol. He has been in custody since 2022. He seeks non-custodial sentences. The PCR Report was filed which contains accused's background, victims and accused's family sentiments on the incident and the community sentiments and attitude towards the same incident.
6. This is an incident where the accused husband of the victim came home drunk and the late wife sought money to maintain their children. This generated a quarrel between in which the accused hit the victim with a blunt object on the head leading to her death.
7. What is not disclosed is why quarrel over a legitimate demand for children's maintenance. Why hit the victim for such a legitimate demand. It is stated that she (victim) called the accused names which provoked the act of attack with a blunt object. It is not stated whether she challenged him to a fight, or whether a fight ensued prior to attack.
8. As facts stand, it would appear name calling visited on the accused by the victim attracted the attack with a blunt object which rendered the victim to lose her life. Accused seeks non-custodial sentence based on the circumstances disclosed by the facts narrated in the Plea Bargain Agreement.
9. The PCR is positive and calls for a minimum of three (3) years non-custodial sentence.
10. The community condemns the act and calls for a non-custodial sentence. The victim's family calls for a non-custodial sentence. The court after considering the circumstances of the case, the 2-year custodial period served prior to conviction, PCR Report content and the sentencing principles, it finds unjustified to award the accused a non-custodial sentence.
11. He was brutal and callous to a wife (late) who sought their children's upkeep culminating with her attack. Name calling on accused and his alcoholic indulgence did not justify the act.
 - i. Thus, the court awards accused a sentence of five (5) years imprisonment and 1 year probation service after completing 5 years sentence.

DATED, SIGNED & DELIVERED VIRTUALLY IN KILGORIS HIGH COURT ON 9TH OF MAY 2025.



CHARLES KARIUKI

JUDGE

In The Presence Of:

Court Assistant: Mr.Nyangaresi

