



**Republic v Mujirwa (Criminal Case E001 of 2024)
[2025] KEHC 5815 (KLR) (9 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 5815 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KILGORIS
CRIMINAL CASE E001 OF 2024**

CM KARIUKI, J

MAY 9, 2025

BETWEEN

REPUBLIC PROSECUTION

AND

PATRICK MUJIRWA ACCUSED

RULING

1. The accused faces a charge of Murder c/s 203 as read with Section 204 of the [Penal Code](#) Cap 3 of the Laws of Kenya.
2. After pre-trial directions, the parties herein engaged with a Plea Bargain Agreement which gave birth to a substitution for a charge from a murder charge to that of manslaughter. The accused pleaded guilty to the new charge and a plea of guilt was entered.
3. The facts were read to the following effect:

On the 24th of January 2024, at about 1800hrs, the accused left Lolgorian town after having liquor at a local bar. He went home to Kilae village where he had lived with the deceased as lovers for approximately three years. He found the door locked and knocked but there was no response. He also heard voices of two people inside the house. He forced his way inside and found the deceased in bed with another man, who immediately took off upon his entrance.

The accused and the deceased engaged in a heated conversation and the deceased left for another house. The accused followed her, and while enraged, he attacked her, hitting her severally with a slasher on her head. He then left for his house where an angry mob arrested him upon responding to the commotion and discovering the lifeless body of the deceased who at the time was covered in blood.



Police officers were called to the scene. They took the body to Lolgorian Level IV hospital morgue and rearrested the accused to face charges. The deceased's body was subjected to postmortem examination which revealed that he succumbed to severe head injury due to sharp force trauma.

4. The accused admitted the facts and thus convicted on his own plea.
5. The prosecution indicated to court that the accused had no previous records and therefore was treated as a first offender.
6. The accused's advocate considered mitigation which was to the effect that he is remorseful and repentant. He has reformed and stopped taking alcohol. He regrets having killed a wife who left 3 children who have nobody taking care of them. He seeks a non-custodial sentence. The court ordered for a PCR Report to be filed to inform the court of accused's background and the sentiments of his family, victim's family and the community.
7. The report is not favorable, and he is said to be unstable non-custodial sentence, or he may not comply with rules and conditions applicable thereof.
8. The circumstances of the incident were that the accused found the victim with another man in bed, and he was enraged. They quarreled and the victim left for another house. He followed while in rouge and attacked her brutally.
9. He states that it was not pre-meditated killing. The question is after the victim left him and went for another home, why did he follow her and brutally attack her?
10. He claims to have been intoxicated but was he out of his senses or in temporary insanity? No corroborative evidence was suggested in the facts narrated. Of course, the killing was unjustified but only mitigated by the circumstances of the finding his spouse in bed with another man.
11. He did not act on the spur of the moment as he had time to quarrel and let her go for another house. However, he followed her and attacked her. He did not want his range to ease and drop but decided to attack her with a slasher which he ought to have known could cause grievous harm.
12. After considering the mitigation rendered by his counsel on his behalf and the principles of sentencing, I find the accused does not deserve a non-custodial sentence.
 - i. Thus, the court sentences accused to imprisonment for a period of five (5) years and thereafter serve Probation sentence for two years.

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

CHARLES KARIUKI

JUDGE

In the presence of:

Court Assistant: Mr.nyangaresi

