



REPUBLIC OF KENYA



**State v Karanja (Criminal Case 20 of 2019) [2025] KEHC 9747 (KLR) (15 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 9747 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
CRIMINAL CASE 20 OF 2019  
DO CHEPKWONY, J  
MAY 15, 2025**

**BETWEEN**

**STATE ..... PROSECUTION**

**AND**

**JOSEPH MWAURA KARANJA ..... ACCUSED**

**RULING**

1. The accused person Joseph Mwaura Karanja was initially charged with the offence of Murder contrary to Section 203 as read with Section 204 of the [Penal Code](#) Cap 63 Laws of Kenya.

The particulars of the offence are that:-

On the 17<sup>th</sup> day of March, 2019 at Githunguri Township in Githunguri Subcounty within Kiambu County murdered Nahashon Njoroge Muiga.

2. The accused person was arraigned in court on 11<sup>th</sup> April, 2019 whereby it was directed that he be taken to Kiambu Level 5 Hospital for mental assessment and he be assigned legal representation. The matter was then fixed for mention on 17<sup>th</sup> April, 2019 for those directions to be confirmed as having been complied with and for the accused to take plea. And on this day, having been confirmed mentally fit to plead and assigned Mr. Olaka as his legal counsel, the accused person took plea whereby he pleaded “Not Guilty” to the offence of Murder contrary to Section 203 of the [Penal Code](#).
3. The trial commenced on 2<sup>nd</sup> December, 2019 and by 19<sup>th</sup> December, 2024, only four(4) witnesses had testified. The accused through his counsel, Mr. Olaka requested for and was granted a plea bargain wherein the Agreement was executed between him, the prosecution and family of the victim (deceased on 4<sup>th</sup> March, 2025. The charge of Murder was then substituted with a lesser charge of Manslaughter contrary to Section 202 as read with Section 205 of the [Penal Code](#).
4. On 6<sup>th</sup> March, 2025, the Plea Bargain Agreement alongside the substituted charge sheet for the offence of Manslaughter were filed in court and it was directed that the same be supplied to the defence.



5. The charge of Manslaughter was read over and full information thereof explained to the accused who pleaded “Guilty” to the said offence in Kiswahili language which he confirmed he understands on 8<sup>th</sup> March, 2025. The court entered a “Plea of Guilty” for him.
6. M/S Ndeda, counsel for the prosecution stated that on 17<sup>th</sup> March, 2019, the deceased, Nahashon Njoroge was with his girlfriend, Ane Wangui Mbugua, in their house at Githunguri Township within Kiambu County at about 9.00pm when someone knocked on the door. Anne went to open the door and she found it was Joseph Mwaura Karanja, the accused person, who was her ex-boyfriend. That the accused then informed Anne that he had come to collect his blanket and without uttering any other word, he slapped her on the face causing her to move backwards. That on seeing this, the deceased moved to where the accused was and the accused stabbed him on the neck and took off running. The deceased got out to chase after the accused as he informed Anne that he had been stabbed on the neck. However, while chasing the accused, the deceased met some people who advised him to first seek medical attention as he was bleeding heavily. The deceased proceeded to Githunguri Health Centre for treatment but unfortunately, he died while undergoing treatment.
7. The incident was reported to Githunguri Police Station by Anne and the police commenced investigations by visiting the scene of crime where they recorded statements from witnesses but never received the murder weapon. The accused was later traced and arrested on 30<sup>th</sup> March, 2019 within Githurai 45 area and escorted to Githunguri Police Station where he was charged with the offence of Murder.
8. The deceased’s body was transferred to Mkoa Funeral Home where post mortem examination was conducted by Dr. Ndegwa on 21<sup>st</sup> March, 2019 and it was established that he had died as a result of exsanguination as a result of chest injuries resulting from the sharp forced trauma. The post mortem examination report dated 21<sup>st</sup> March, 2019 was produced as P.Exhibit 1.
9. The accused confirmed that the facts as read out by the prosecution were true and the court proceeded to convict him on his own Plea of Guilt.
10. The court is now called upon to determine the appropriate sentence to mete against the accused person who has been convicted for the offence of Manslaughter contrary to Section 202 of the *Penal Code* on his own plea of Guilt. The court then called for a Social Inquiry to be conducted on the accused person by the Probation and After Care Services Department and for a Pre-sentence Report to be filed.
11. The Pre-sentence report dated 29<sup>th</sup> April, 2025 was filed in court. I have carefully read through it and established that in conducting the Social Inquiry, the Probation Officer considered the accused person’s family background, his personal history, circumstances of the offence, attitude towards the offence, view of the victim’s family, community’s attitude towards the offender and the nature of offence in coming up with the recommendations.
12. From the Probation Officer’s Report, the accused is a thirty seven (37) years old man, who before his arrest was working as a Chef at a local hotel at Githunguri. He is married with one son aged twelve (12) years. His family describe him as a responsible, hardworking, sociable young man with strong moral values. His mother and siblings speak of him as their financial pillar who has taken on casual jobs even while still in school, to support the ailing mother and believe he has learnt from his experiences that they now seek that the court treats him with leniency and grant him a second chance to re-integrate into society.
13. According to the Probation Officer, the accused’s family is close knit and supportive of him as they have remained unwavering, attended all court sessions to offer him encouragement and are fully



committed in supporting his reintegration into society. His wife and son have experienced significant hardships due to accused's incarceration since he is their sole breadwinner and in his absence, his wife is overwhelmed with the role of providing for their basic daily needs and their son's education alongside the emotional and instability his absence has caused on them.

14. That upon interviewing the accused, the Probation Officer reported that the incident that led to the death of the deceased was not premeditated, intended or anticipated. He admitted to being in an extra-marital relationship at the time of the incident whereby on the material day, while under the influence of alcohol, he had gone to check on the woman when he found her in the company of another man, (the deceased herein) and a confrontation broke out between them.
15. It is reported in the pre-sentence report that the accused regrets and fully acknowledges the pain of his actions and the irreversible effects the same have had on the family of the deceased. The accused has expressed to the family of the deceased for their loss, for which he seeks forgiveness from them and the court.
16. According to the accused, he has used his time in remand custody to reflect on his past and work towards personal growth by actively engaging in rehabilitation programs which include the Prisoners Journey, Bible Study and attending counselling sessions, programs which have helped him gain a new perspective on life and strengthened his resolve to change. It is his view that this period is a living point and he is committed to making amends, rebuilding his life and supporting his family once again. He thus pleads that the court grants him a lenient sentence which would give him the opportunity to demonstrate his transformation and enable him to become a better son, husband, father and member of society.
17. It has been reported that the victim's family continue to endure profound grief with the deceased's mother describing the enduring void left by her son's untimely death, affecting her emotionally and physically. She has sought for justice to be served in view of the magnitude of their loss and as a deterrent to similar cases of violence, as this will honour the victim's memory, not out of vengeance and the fact that this will not bring back the deceased to life.
18. The community's attitude towards the offence and the offence he committed was discerned from the sentiments of the area chief who confirmed knowing the offender and his family well. He described the accused as a respected and law-abiding member of the community and has always maintained good relations with neighbours, and is known for his hardwork and peaceful nature; that the offence came as a shock to many. According to the chief, the community holds no enduring resentment towards the accused and is willing to support his reintegration.
19. The prison's authorities through S. P. Paul Kipsang, commended the accused person's conduct during incarceration by highlighting his commitment to rehabilitation programs, his disciplined demeanor and positive influence among his fellow inmates.
20. From the social inquiry on the accused person, the Probation Officer recommends that having been shown a person with positive strides towards rehabilitation, his disciplined conduct while in custody, and that strong backing from his family and community, the accused is suitable to be granted a lenient sentence.
21. In mitigation, the accused person sought for forgiveness for the offence he committed and urged the court to consider that he is his family's sole breadwinner and in particular the one who used to take care of this ailing mother. He confirmed that he is a family man with three children (although the presentence report indicates he has one child, a son). He also confirmed that he had undergone a number of courses and trainings while in custody whereby he has learnt a lot and acquired a number



- of Certificates to confirm the trainings attended while in custody. He has learnt a trade of making ornaments such as bracelets and believes he has reformed.
22. In mitigating on behalf of the accused person, Mr. Olaka, counsel for the defence submitted that from the demeanor presented by the accused while addressing it, the court should have observed a demeanor of a broken, punctured and or deflated person, but still wants to torch its heard, by pleading with it that in doing justice, it should exercise some mercy. According to the defence counsel, a court's discretion is appreciated and expressed the accused person's regret over the events that led to all these every single moment and seek for mercy by listening to his plea.
  23. Counsel has urged the court to consider exercising its discretion with regard to the provision of Section 35 of the Penal Code which provides for discharge of an accused person when found guilty and convicted of an offence without specifying terms of discharge. Counsel has also invited the court to consider the provision of Article 50(2) of the Constitution of Kenya, 2010 which provides for the right to fair hearing that includes the right for a convicted person to benefit from the least severe of the prescribed sentence of any offence and grant that accused the benefit of this right.
  24. In view of the aforesaid submissions, counsel has gone on to plead that the accused be accorded a non-custodial sentence which would be the least severe form of punishment for the offence herein. Counsel has then urged the court to consider the age of the accused person, his marital and paternal status, his having pleaded guilty hence saved court precious judicial resources and time and allow the accused, who is in his prime age to build the nation and take care of his family by granting him a non-custodial sentence (See case of LKE –vs- Republic, Criminal Case No.30 of 2020), counsel has also urged the court to consider the period the accused person has been in custody since his arrest during which period the accused has been reported to have broken the law while in custody, a demonstration of a reformed person, and also strive to be medically unwell. From the number of orders issued for the accused to be escorted for treatment.
  25. Counsel has further pointed out that the deceased's family, through his sister are ready, able and willing to take and accommodate him upon release and ensure that he complies with any conditions that the court will set.
  26. This Court has considered the circumstances under which the offence was committed by carefully reading through the facts of the case as presented by the prosecution's counsel, the information in the Plea Bargain Agreement dated 4<sup>th</sup> March, 2025 and the information and recommendation in the pre-sentence report filed on 28<sup>th</sup> April, 2025 alongside the accused's records and mitigation by and on behalf of the accused. I have also considered the statutory and case law alongside the guidelines and principles on sentencing in Kenya. In view of all these, the question for this court is “ what is the appropriate sentence that can be meted against the accused for justice to be seen to have been done for all the parties herein.
  27. The sentence provided for for a charge of Manslaughter under Section 205 of the Penal Code is as follows:-

Any person who commits the felony of manslaughter is liable imprisonment for life.
  28. According to the Guidelines Police on sentencing, the following guidelines should be considered by the courts in their exercise of discretion is passing sentence for offenders found guilty. The court has also taken into account the amended guidelines in the Muruatetu Case which include that a court takes into consideration the age of the accused, his being a first offender, plea of guilt, character and record. The court also considers the mitigation of the accused person and that of his Counsel.



29. Therefore, although the law prescribes the punishment for Manslaughter under Section 205 of the *Penal Code* to be life imprisonment, the court has taken note of the accused persons plea of guilt to the lesser charge of Manslaughter. His prime age, remorse, circumstances under which the offence was committed, criminal record, community's altitude and recommendation by the Probation Officer that the accused will benefit more from a lenient sentence having appreciated the positive strides towards rehabilitation. The court has also taken into consideration the sentiments and plea of justice to be served so as to mitigate the pain of loss experienced by the members of the deceased and his family.
30. In view of all these, this court is reminded that justice is a double edged sword, that is expected to cut on both sides in balancing the scales of justice.
31. Having taken into account the penalty prescribed for the offence of Manslaughter and informed by a number of factors highlighted in the recommendation on the accused in the pre-sentence report, mitigation by the defence and other recommendation in him, this court finds that the justice for this case called for a custodial sentence aimed at achieving deterrent and restorative results as opposed to retributive results. Therefore, the accused person is sentenced to serve a period of ten (10) years imprisonment which sentence should be computed from the date of his arrest and period in custody during trial.

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 15<sup>TH</sup> DAY OF MAY, 2025.**

**D. O. CHEPKWONY**

**JUDGE**

In the presence of:

M/S Ndeda counsel for the State

Mr. Olaka counsel for the Accused

Accused present

Court Assistant - Martin

