



REPUBLIC OF KENYA



**Republic v Kamau (Criminal Case 45 of 2021)
[2025] KEHC 9521 (KLR) (20 June 2025) (Sentence)**

Neutral citation: [2025] KEHC 9521 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE 45 OF 2021**

A MSHILA, J

JUNE 20, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

SARAH WATIRI KAMAU ACCUSED

SENTENCE

1. The accused was initially charged with the offence of murder contrary to Section 203 as read with Section 204 of the *Penal Code*; upon a Plea Bargain Agreement being entered this charge was then reduced to manslaughter;
2. The Plea Bargain Agreement dated 18th February, 2025 was adopted by the court upon being satisfied that the accused had understood the contents and that she had executed it voluntarily without promise or benefit of any kind and without threats, force, intimidation or coercion of any kind;
3. The accused was charged with having unlawfully killed DERRICK KILONZO SAMUEL on the 11th day of February at Gikambura Location of Kikuyu Sub-County within Kiambu County;
4. The facts as read out by the Prosecuting Counsel are as follows; The deceased and the accused were neighbours; they were always at loggerheads due to electricity tripping arising from over-loading of the system: on the 11/08/2025 the lights went off and an argument ensued between the two which became physical resulting in the minor being fatally injured; The neighbours tried to resuscitate him but to no avail as he succumbed to his injuries.
5. On 17/08/2021 a post-mortem was conducted by Dr. Ndegwa (PW1) it was his opinion that the cause of death was from stab wound injuries to the chest due to sharp force trauma consistent; PW1 produced into court the Post Mortem Report which was marked as 'PEXh.1';



6. The accused stated that the facts as narrated were true and correct and the court proceeded to convict her on her own plea of 'Guilty' for the offence of Manslaughter c/s to Section 202 as read with Section 205 of the *Penal Code*;
7. The accused was represented by Learned Counsel Ms. Nyugutu whereas Mr. Gacharia was the Prosecuting Counsel for the State; Both Counsel were invited to make submissions before sentencing;
8. In mitigation counsel for the accused submitted that on the fateful day when seeking to reconnect her power supply a physical confrontation ensued between the accused and the deceased which occasioned injuries to the deceased but the circumstances leading to his death was not pre-meditated; the fight arose when the deceased attacked her with a wooden stick and upon being provoked the accused picked up a knife to defend herself. It was an unfortunate situation in which a life was lost; the accused has had time to reflect on her actions and is remorseful and has taken positive steps to manage her anger and to regain control of her psychological wellbeing;
9. The accused had readily pleaded guilty at the earliest onset and thus saved on judicial time; she was intensely remorseful and prayed for justice to be tempered with mercy; the accused reached out and sought forgiveness from the deceased's family and prays for leniency from this court; the prosecution had no previous records and that she be treated as a first offender; counsel prayed for a lenient sentence preferably a non-custodial sentence on the grounds of her poor health arising from contracting TB while in remand and she has complications and pains in her limbs and chest; A non-custodial sentence will allow her to seek medication.
10. For those reasons Counsel pleaded for leniency and urged the court to impose a non-custodial sentence to enable the accused who is aged 38 years and to reintegrate back into society and also seek mediation.
11. Prosecuting counsel submitted that the life once snuffed out was irrecoverable and it was imperative that the family of the deceased receive justice; the prosecution had no previous records of the convict; and called for a Victim Impact Assessment Report to assist the court in passing sentencing.

ANALYSIS

12. The applicable law on sentencing for the offence of manslaughter is found under the provisions of Section 205 of the *Penal Code* which reads as follows;

Any person who commits the felony of manslaughter is liable to imprisonment for life'
13. It is the duty of this Court to impose a sentence that meets the facts and circumstances of the case; The aggravating factors are the accused's choice of weapon which was a knife; he accused also had anger management issues and ought to have exercised restraint during the altercation which then led to a life being lost; The mitigating factors are that the circumstances leading to the unfortunate incident demonstrate that the accused had no premeditated intention and acted in self defence; by accepting the Plea Bargain Agreement the accused had not wasted judicial time;
14. Other factors taken into consideration is the Victim Impact Assessment Report; Having perused the Report it is noted that the accused had taken reconciliatory steps with the victims' family; but the family have not come to terms with the passing on of their last born and continue to struggle with depression and have not forgiven her;
15. The accused is a young lady aged 38 years and she reportedly has no previous record and is deemed to be a first offender;



16. In light of the above, this Court is satisfied and that the accused is deserving of a custodial sentence to act as a deterrent to those persons who have anger management issues and in their anger are ready to strike out which actions have grave consequences; the Court finds the appropriate sentence to be that of ten (10) years. The period spent in custody from date of first appearance in court on 16/08/2021 to date of conviction 20/06/2025 be deducted from her term.

Findings & Determinations

17. Having taken all factors into consideration this Court makes the following findings and determinations;
- i. The accused was convicted on her own plea of guilty for the offence of Manslaughter;
 - ii. The accused is hereby sentenced to a ten (10) years custodial sentence. The period spent in remand be deducted from the sentence

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 20th DAY OF JUNE, 2025.

A. MSHILA

JUDGE

In the presence of;

Sanja – Court Assistant

Gacharia – Prosecuting Counsel for the State

Nyuguto– for the Accused

