



**Republic v Mwakuru (Criminal Case E001 of 2024)
[2025] KEHC 8966 (KLR) (20 June 2025) (Sentence)**

Neutral citation: [2025] KEHC 8966 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CRIMINAL CASE E001 OF 2024
AN ONGERI, J
JUNE 20, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

MATHEW MWANYALO MWAKURU ACCUSED

SENTENCE

1. The Accused Person was charged with murder contrary to Section 203 as read with Section 204 of the [Penal Code](#).
2. The Accused Person entered into a plea bargain agreement and the charge of murder was reduced to manslaughter contrary to Section 202 as read with Section 205 of the [Penal Code](#).
3. The particulars of the charge of manslaughter are that on 2nd January 2024 at Mkamwasi village, Mwanda Location in Wundanyi Sub County within Taita Taveta County, the Accused Person unlawfully killed Mwatogha Mwakala.
4. The facts of the case as given by the prosecuting counsel were as follows:-

The accused person herein Mathew Mwanyalo Mwakuru and the deceased were workmates at Mary Mwanyika's farm situated at Mkamwasi village. On 2nd January 2024 both the accused and deceased were at the said farm drinking a local brew called Pasha when a dispute arose between them and they started fighting. The accused got hold of a knife and stabbed the deceased twice on the chest. The deceased then fell on the ground motionless. The accused became scared and ran towards a borehole nearby.

He found members of the public fetching water who noticed the accused had a blood-stained t-shirt. They inquired as to his state of clothes. The accused informed them about what had happened and took them to where the deceased was. The member of the public



found the deceased laying on the ground with blood oozing from his chest. The village elder and the area chief were informed of what had happened who later called police officers from Wundanyi police Station. DCI officers arrived and processed the scene and took photographs. The deceased's body was taken to Wesu Hospital mortuary for preservation and post mortem. On 6th January 2024 a post mortem was conducted establishing the cause of death being bilateral hemothorax secondary to penetrating chest injury.

The accused's blood-stained t-shirt, knife, cap together with the deceased's blood sample, hair and nail samples were taken to the government analyst for examination. The deceased's blood sample was a match to the blood found on the t-shirt the accused was wearing.

The accused person was charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code which has now been substituted to that of manslaughter contrary to Section 202 as read with Section 205 of the Penal Code.

5. The Accused Person pleaded guilty and he was convicted on his own plea of guilty.
6. The Probation Officer filed a pre-sentence report dated 24th March 2025.
7. I have considered the mitigation on behalf of the Accused Person as given by the Learned defence Counsel.
8. I have also considered the circumstances of the offence and the mitigation outlined in this case.
9. I have also considered the pre-sentence report and I find that it is not favourable.
10. The Accused Person had served a one year jail term at Wundanyi for assault. He has also served a non-custodial sentence.
11. It is apparent that the Accused Person has not learnt from his previous sentences that crime does not pay.
12. The community expressed anger over the incident and are apprehensive of his release on a non-custodial sentence.
13. I find that the Accused Person is not suitable for a non-custodial sentence.
14. The Accused Person pleaded guilty to a lesser charge and saved court's time.
15. The offence of manslaughter is a serious one and the law provides for a sentence of life imprisonment.
16. I have taken into account the mitigating circumstances of this case and especially the fact that the Accused Person pleaded guilty and saved the court's time.
17. The Accused Person is sentenced to ten (10) years imprisonment.
18. The Accused Person has a right of appeal against the sentence to the Court of Appeal within 14 days of this date.

DATED, SIGNED AND DELIVERED THIS 20TH DAY OF JUNE, 2025 IN OPEN COURT AT VOI.

ASENATH ONGERI

JUDGE

In the presence of:-

Court Assistant: Millicent

