



**Republic v Ng’ang’are (Criminal Case E029 of 2023)
[2025] KEHC 8345 (KLR) (13 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8345 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE E029 OF 2023**

**A MSHILA, J
JUNE 13, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

STANLEY THANDI NG’ANG’ARE ACCUSED

RULING

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 25th February, 2025 was adopted by the Court upon being satisfied that the accused had understood the contents and that he had executed it voluntarily without promise or benefit and without threats, force, intimidation or coercion of any kind;
3. The accused was charged with having unlawfully killed David Kamau Wanjiku on the 13th August, 2023 at Kagera in Gatundu South Sub-County, within Kiambu County;
4. The facts as read out by the Prosecuting Counsel are as follows; The Accused has two (2) sons; One of these sons named Gerald Ng’ang’era was arrested for creating a disturbance on 13th August, 2023 at his uncles homestead where he had gone to demand monies whilst in a drunken state; his other brother Joseph Ngotho Ngangera angered by his brothers arrest by this uncle on the same evening of his brothers commotion and arrest went to his uncles homestead and started hurling stones and broke a window pane and fled; the Deceased was part of the team that ran after Joseph and apprehended him with the intention of taking him to the police station to be charged with malicious damage to property; the accused angered by the citizens arrest and with the intention of freeing his son followed the crowd; before they reached the police station he drew out a knife and stabbed the deceased on the left side of the chest; He was rushed to Gatundu Level 5 but was pronounced dead on arrival.



5. The post-mortem was conducted on 17/08/2023 by Dr. Mathaiya and the report revealed that the cause of death was single penetrating blunt force trauma; which is a stab injury inflicted by a knife. Prosecuting Counsel produced the Post Mortem Report dated 17/08/2023 which was marked as 'PEXh.1';
6. The accused stated that the facts as narrated were correct and the court proceeded to convict him on his 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 Mr. Mulinge 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 his client had admitted to having committed the offence and had taken full responsibility; the accused was extremely remorseful and prayed for justice to be tempered with mercy; he had readily pleaded guilty at the earliest onset and thus saved on judicial time; the prosecution had no previous records and that the accused be treated as a first offender; counsel urged the Court to consider the age of the accused and prayed for a lenient sentence preferably a non-custodial sentence on the grounds of his advanced age
9. Prosecuting counsel submitted that the life that 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; a Pre-sentence Report was called for to assist the Court in the sentencing

Analysis

10. 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'
11. It is the duty of this Court to impose a sentence that meets the facts and circumstances of the case; The aggravating factors are that the accused's weapon of choice namely a knife; and anger management which clouded his sense of judgment and instead of allowing the legal justice system to take its due course decided to interfere by attempting to rescue his errant son who was being frog marched to the police station. The accused ought to have exercised restraint his attempted rescue mission then led to a life being lost; The mitigating factors are the accused's advanced age being seventy-five (75) years of age; by accepting the Plea Bargain Agreement the accused had not wasted judicial time;
12. Having perused the Sentencing Report, it is noted that the accused had not taken any reconciliatory steps with the victims' family; it is noted that the mother of the deceased had not come to terms with the demise of an only son and had not forgiven the accused; the youthful members of the community were also still bitter and were not willing to admit him back to the community;
13. In the light of the aggravating factors especially anger management and also as a deterrent to those who want to aid and abet other offenders, this Court is satisfied and that the accused is deserving of a custodial sentence of six (6) years. The Pre-sentencing Report also recommends a custodial sentence.

Findings & Determinations

14. Having taken all factors into consideration this Court makes the following findings and determinations;
 - i. The accused is convicted on his own plea of guilty for the offence of Manslaughter;



- ii. The accused is hereby sentenced to a six (6) years custodial sentence.
- iii. The period spent in custody from date of arrest 13/08/2023 to the date of conviction 6/03/2025 be deducted from his term of sentence.

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 13th DAY OF JUNE, 2025.

A. MSHILA

JUDGE

In the presence of;

Sanja – Court Assistant

Gacharia – Prosecuting Counsel for the State

Mulinge – for the Accused

Accused – present in custody

