



Republic v Nyaga (Criminal Case 15 of 2019) [2025] KEHC 8346 (KLR) (13 June 2025) (Ruling)

Neutral citation: [2025] KEHC 8346 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE 15 OF 2019
A MSHILA, J
JUNE 13, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

LUCY NYAGUTHI NYAGA 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 04/03/2025 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 Samuel Karanja Mburu on the night of 10th and 11th day of February at Kirangari Village, Ngenda Location in Gatundu South Sub-County within Kiambu County;
4. The facts as read out by the Prosecuting Counsel are as follows; The deceased and accused lived together as husband and wife and had one issue from the union; On this night of 10/02/2019 the deceased came home and the two had their occasional gender based violence which ended with the deceased being injured on the head; relatives and neighbours found the bloodied body of the deceased lying in the house;
5. On 12th February, 2019 a post-mortem was conducted by Dr. Mathaiya (PW1) it was his opinion that the cause of death was from injuries to the head from blunt force trauma consistent with assault; 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 Mr. Nduati 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 regain her possessions a physical confrontation ensued between the accused and the deceased which occasioned injuries to the deceased but the circumstances leading to his death were not pre-meditated; it was an unfortunate situation in which a life was lost; the accused has had time to reflect on her actions 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 seeks forgiveness from the deceased's family and leniency from the 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 that the deceased's family had come to terms with his passing on and they harbored no grudge against the accused and had since forgiven her;
10. For those reasons Counsel pleaded for leniency and urged the court to impose a non-custodial sentence to enable the accused integrate back into society and enable her to take care and provide for her two (2) children aged 18 years and 4 years;
11. 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; and called for a Victim Impact Assessment Report to assist in 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 that the accused's choice of weapon which was a metal rod; the accused's deception when she tried to shift the blame of the demise of the deceased to external forces which made her mistake him for a snake; the 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; 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 not taken reconciliatory steps with the victims' family; the family describe as a violent person and the family have not come to terms with their son's demise and have not forgiven her.
15. The accused is a young lady aged 45 years and is mother of one adult child and two young children; lastly, she is found to have 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 arrest 11/02/2019 to date of conviction 6/03/2025 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 13TH DAY OF JUNE, 2025.

A. MSHILA

JUDGE

In the presence of;

Sanja – Court Assistant

Gacharia – Prosecuting Counsel for the State

Nduati – for the Accused

Accused - present

