



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Gitau (Criminal Case E012 of 2022)
[2025] KEHC 8435 (KLR) (12 June 2025) (Sentence)**

Neutral citation: [2025] KEHC 8435 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
CRIMINAL CASE E012 OF 2022**

RC RUTTO, J

JUNE 12, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

MARY WANJIRU GITAU ACCUSED

SENTENCE

1. The accused herein was initially charged with murder, took plea and pleaded not guilty. Following a sequence of meetings between the accused prosecution and victims' family, on 11th June 2025 she agreed to plea bargain to a lesser charge of manslaughter. A plea bargain agreement was filed on she pleaded guilty to the charge of manslaughter. Consequently, the matter that remained that is subject of this ruling is sentencing, which is at the discretion of the court, even where one plea bargains and pleads guilty to a lesser offence.
2. Notably a person who agrees to plea bargain and pleads guilty saves precious and scarce judicial time that would have been used to conduct a trial and also guarantees the prosecution a conviction. Consequently, the court cannot shut it eye on this fact when considering sentencing.
3. In considering sentence I make reference to the *Judiciary Sentencing Guideline Policy*, as well as the Supreme Court decision in the case of *Francis Karioko Muruatetu & another v Republic; Katiba Institute & 5 others (Amicus Curiae)* [2021] eKLR where the apex Court set out factors for consideration in sentencing and which include age of the offender, whether she is a first offender, plea of guilty, character and record of the offender, commission of the offence, remorsefulness of offender and the possibility of reform and social re-adoption of the offender.
4. In this case, a life was lost. The prosecution's presentation of facts does not explicitly establish the circumstances surrounding the offence or the accused's direct involvement in the deceased's death,



aside from her admission and the statement of a neighbour, who reported that the deceased claimed he had been stabbed by the accused. The available facts do not clarify the events leading up to the stabbing.

5. Be it as it may, the record indicates a history of frequent domestic violence between the accused and the deceased. Ultimately, the deceased succumbed to a stab wound inflicted by the accused after being taken to the hospital
6. I have considered the mitigation of the accused person that she is remorseful, plea of guilty, character and record of the offender and possibility of reform and social re-adoption of the offender. She also stated that she is a mother and sickly. She pleads for leniency and a non-custodial sentence. I have perused the probation report and noted the sentiment therein specifically that she is not a first offender having been convicted and fined for the offence of selling alcoholic drinks without a license.
7. It cannot be overemphasized that an innocent life, a life that ought not to have been lost, was lost. I also note that the statutory sentence for man slaughter is life imprisonment. In the circumstance, I find that a non-custodial sentence is not suitable in the circumstance. I therefore sentence the accused to fifteen (15) years imprisonment the time spent in custody to be considered. That is from 2nd August 2021.

Orders accordingly.

DATED, SIGNED AND DELIVERED AT MACHAKOS THIS 12TH DAY OF JUNE, 2025

RHODA RUTTO

JUDGE

In the presence of;

.....Accused

.....ODPP

Sam Court Assistant

