



**Republic v Karanja (Criminal Case E014 of 2024)  
[2025] KEHC 11027 (KLR) (28 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 11027 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERUGOYA  
CRIMINAL CASE E014 OF 2024  
EM MURIITHI, J  
JULY 28, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**SANDRA SYOMBUA KARANJA ..... ACCUSED**

**SENTENCE**

1. The Accused was convicted on her own plea of guilty for the offence of manslaughter contrary to section 202 as read with 205 of the *Penal Code* following a plea bargain which reduced the initial charge of murder c/s 203 as read with 204 of the penal Code to manslaughter.
2. The apparent intoxication of both the deceased and the accused does also remove the capability of the accused to form the intention to kill and the negotiation of plea to reduce the charge from murder to manslaughter is proper and appropriate. The Court of Appeal in *Bakari Magangha Juma v Republic* [2016] eKLR (Makhandia, Ouko (as he then was) & M’ Inoti, JJA.) held that intoxication or drunkenness may affect the capacity to form the necessary mens rea for murder:

“The third situation, contemplated by section 13(4), arises where by reason of intoxication the accused person is incapable of forming a specific intent, which is an element of the offence charged. Sometimes this situation is referred to as “intoxication or drunkenness negating mens rea”. In *Said Karisa Kimunzu v Republic*, CR App No 266 of 2006 (Msa), this Court stated thus regarding intoxication or drunkenness negating mens rea:

“But under subsection (4) the court is required to take into account the issue of whether the drunkenness or intoxication deprived the person charged of the ability to form the specific intention required for the commission of a particular crime. In a charge of murder such as the one under consideration, the specific intention required to prove such an offence is malice aforethought as defined in



section 206 of the *Penal Code*. If there be evidence of drunkenness or intoxication then under section 13(4) of the *Penal Code*, a trial court is required to take that into account for the purpose of determining whether the person charged was capable of forming any intention, specific or otherwise, in the absence of which he would not be guilty of the offence. In the circumstance of this appeal, the learned trial Judge was required to take into account the appellant's drinking spree of the previous night and even that morning in determining the issue of whether the appellant was capable of forming and had formed the intention to kill his son.”

3. The facts which the accused accepted as a basis for the conviction for manslaughter were set out in paragraph 8 of the Plea Bargain Agreement dated 19/6/2025 as follows:

“8. Had the case gone to trial, the Prosecution would have presented evidence sufficient to prove the following facts beyond a reasonable doubt that: Brief facts surrounding this case The deceased {Boniface Kabuswa Muriithi} then aged [28 years] had been cohabiting with the accused {Sandra Syombua Karanja} from the year 2023 and who moved into the marriage with two children born from the previous marriage. On 18th April 2024, the accused woke up and prepared break for the deceased and both went their separate way for work.

At about 1600 hrs the accused {Sandra Syombua Karanja} who had been paid her wages invited the deceased {Boniface Kabuswa Muriithi} to join her where she was raveling with e colleagues and left shortly after.

At about 2000 hrs, the deceased arrived home and found the accused preparing vegetable and started demanding for money to go and buy cigarettes and an argument ensued between the two. The deceased started assaulting the accused {Sandra Syombua Karanja} and suddenly the accused who had been using a Kitchen knife stabbed the deceased in the chest before running through a coffee plantation and never returned. It is the testimony of PW1 {Charity Wanjiru Waweru} that indeed she was with the accused on 18th April 2024 at about 1600 hrs. That after being paid their wages, they went to a local club where after taking some alcohol, she left them. That at about 2030hrs, she heard some loud noise as if someone was screaming and upon responding, she found the deceased assaulting the accused and tried intervening hence was able to calm them but the deceased insisted that the accused prepare some supper for him while demanding for money to buy cigarettes. That a about 2115 hrs, the deceased went to her house and informed her the accused had stabbed him before long, he collapsed and she tried to assist him but was not talking. She recalls the accused arriving in shock of just what she had done and quickly vanished on noticing the grievous harm she had occasioned the deceased. That with the help of the deceased mother, they escorted the deceased to [Kianyaga level five Hospita4 but the doctors said he had already died. PW2 {Elizabeth Kamore Ndege} Mother to the deceased confirms that PW1 indeed went to inform her of the occurrence of the son and she tried to rush to the scene and their effort to take him to Hospital were in vain as he was already dead-on arrival. PW3 {Emily Ndila Mutinda} the aunty to the accused states that indeed on the 18th April 2024, the accused arrived at her house while looking dirty and informed her that the deceased had assaulted her and



requested water for a shower and before long the Police called her inquiring if the accused was with her of which she answered in affirmative. That they came for the accused informing her that the accused had killed the deceased. PW4 {No xxx Philemon Cheptumo} was the investigating officer who recorded witness statements and established the demise of the relationship with the accused. Dr. Karomo who performed the postmortem formed the opinion the cause of death was due to Massive internal hemorrhage following penetrating chest injury in an assault with a sharp object. The death certificate No xxx is attached.”

4. The Probation Officer by a report dated 21/07/25 recommended a sentence of probation so that, in the words of Ms. Mercy Wafula, they could offer structured support as opposed to community service order:

“Conclusion

Your Lordship, the offender before you is a thirty-four-year-old female from Kivaa Sub-location within Machakos County. Prior to her arrest, she worked as a casual laborer in Ngiriambu village, Kirinyaga County, where she cohabited with the deceased. The offender has expressed sincere remorse for her actions and has shown a clear understanding of their impact. Her acknowledgment of guilt and stated willingness to reform are key indicators of her rehabilitative potential. She lacks formal trade skills, has no fixed source of income, and hails from a family of low socio economic status that is unable to offer consistent material support. These factors present challenges to her reintegration but are not unmanageable if structured support is provided. The family of the deceased has deferred to the court’s discretion in determining the appropriate sentence. Further, community members and the local administration from Ngiriambu have not objected to the possibility of her being granted a non-custodial sentence, citing her peaceful coexistence and low risk to public safety. Criminogenic factors identified include substance abuse, poor problem solving skills, low education level, limited social support, and lack of structured prosocial activities. Given that these factors are addressable through targeted interventions particularly substance abuse counseling and skills empowerment, a non-custodial sentence would provide the offender an opportunity for rehabilitation, reintegration, and positive contribution to society.

Recommendation

Your Lordship, we find the offender suitable for a non-custodial sentence and recommend that she be placed under Probation order for a period of three years.

Mercy Wafula, Probation Officer - Kirinyaga

21/07/25.”

5. The report indicated the circumstances of the offence as follows:

“Circumstances of the Offence

The offender reported that on the material day, after completing her day’s work, she went to withdraw money from a local M-Pesa agent. She stated that the victim contacted her and gave her flour and vegetables for their supper. Before returning home, the two visited a local club where they consumed alcohol together. Upon arrival at their residence, the offender began preparing the vegetables. She stated that the victim demanded she hand over



the money she had earned from her day's work. When she declined, an argument ensued, escalating into a physical altercation. The offender claimed that the victim assaulted her repeatedly, and despite intervention attempts by neighbors, he continued to beat her. She further stated that during the struggle, the victim stepped on her as she lay on the ground. In response, and while still holding the kitchen knife she had been using to prepare food, she stabbed him. Following the incident, she fled to Mbiri village to seek refuge at her niece's residence. She was later informed that the victim had been rushed to the hospital but succumbed to the injuries. She was subsequently arrested."

6. Of course, the facts of the case are as set out in the Plea Bargain Agreement. The Court does also consider the antecedents of the offence in the relationship of the deceased and accused spouses.
7. The Report of the Probation Officer which was relied on by both the DPP and the accused painted a picture past marital violence where the Deceased's repeated beatings of the accused was a matter of local notoriety as follows:

- “ 1. Community Attitude Towards The Offender And The Offence
2. Community members reported that the accused had coexisted peacefully with them since moving to the village, with some stating they had occasionally offered her refuge following domestic disputes with her husband. They expressed openness to her being considered for a non-custodial sentence, noting that she does not pose a risk to public safety. Similarly, local administration representatives from Ngiriambu location confirmed that the offender had lived harmoniously within the community and had no known history of criminal conduct. They raised no objection to her release on a non-custodial sentence. The Assistant Chief of Kivaa Sub-location, where the offender originally hails from, also affirmed that she had no prior involvement in criminal activities and had lived peacefully before relocating.”

8. By way of Victim Impact statement, the Probation Officer's report detailed the following views from the victim's family:

“Views of the Victim

The deceased was a resident of Ngiriambu village in Kirinyaga County. At the time of his demise, he was 28 years old and engaged in casual labor within the village. He was the firstborn in his family and had two younger siblings; Bilha Nyogotho and Rachael Wanjiku. The deceased had previously been married to a woman named Joan, with whom they had a daughter. Following their separation, Joan left with the child, and their current whereabouts remain unknown. Thereafter, the deceased entered into a relationship with the offender, and the two cohabited for approximately one year in a rented dwelling in Ngiriambu village. They did not have any children together. The deceased's parents, who are currently separated, expressed their deep sorrow over the loss of their first born and only living son. The victim's father stated that he had been estranged from his son for a long time, noting that the deceased had even moved out of the family compound to a rented dwelling where he lived with the offender. The mother, however, expressed that she maintained a close relationship with her son, who would occasionally support her financially. She acknowledged that his marriage was marked by violence and that both the deceased and the



offender regularly consumed alcohol. Regarding the possibility of a non-custodial sentence, both parents stated that they have entrusted the matter to the discretion of the court.”

9. The accused prayed for forgiveness and her Counsel Ms. Nyangati in mitigation urged the Court that:

“On 18/4/2024 after drinking there was altercation between the accused and the deceased. The altercation was started by the deceased.

Deceased occasionally assaulted the accused especially after drinking. There was a brawl between them as evident from scene of crime. Circumstances show it was a crime of passion. There was provocation and accused acted in self defence. The two were intoxicated and they were not in their right judgment.

Accused has children below 18 years and she is remorseful of having lost loved one. She has been in custody since 19/4/2025. She has become a better person.

The Probation Officer’s report support that she be re-integrated into society as before the incident has lived cordially with people around them. We urge for leniency and consider a non-custodial sentence so that she contributes to society and support her children. We do ask court to consider the time spent in custody since 19/4/2024.”

10. The Counsel for the DPP Mr. Mamba supported the non-custodial sentence saying:

“The Court should note the Report by the probation Officer dated 21/7/2025. Accused is an orphan. She was acting in good faith when she called the husband to buy him a drink after receiving her daily wages.

I am persuaded that she has minors and since she is an orphan, the minors may suffer the same fate that she suffered as she did not go to school. I agree with the report by Probation Officer recommending three years Probation sentence for her to take care of her children.

## **Sentence**

### **Principles of sentencing**

11. The *Judiciary Sentencing Guidelines* 2023 set out the object of sentencing at paragraph 1.3 as follows:

“1.3 Objectives of Sentencing

1.3.1 Sentences are imposed to meet the following objectives. There will be instances in which the objectives may conflict with each other – insofar as possible, sentences imposed should be geared towards meeting the objectives in totality. i. Retribution: To punish the offender for their criminal conduct in a just manner. ii. Deterrence: To deter the offender from committing a similar or any other offence in future as well as to discourage the public from committing offences. iii. Rehabilitation: To enable the offender to reform from his/her criminal disposition and become a law-abiding person. iv Restorative justice: To address the needs arising from the criminal conduct such as loss and damages sustained by the victim or the community and to promote a sense of responsibility through the offender’s contribution towards meeting those needs. v Community protection: To protect the



community by removing the offender from the community thus avoiding the further perpetuation of the offender's criminal acts. vi. Denunciation: To clearly communicate the community's condemnation of the criminal conduct. vii. Reconciliation: To mend the relationship between the offender, the victim and the community. viii. Reintegration: To facilitate the re-entry of the offender into the society."

12. In considering Probation Orders, the Court is counselled by the principles of Sentencing to -

- “ 1. 2.5.7 Before issuing a probation order, the court must receive and consider a probation officer's report alongside any victim impact statement if available.
2. 2.5.8 The main aim of a probation order is to facilitate the reformation and rehabilitation of the offender. Therefore, an offender's remorsefulness and attitude should be considered when determining the suitability of the sentence.”

13. From the facts of the case and circumstances surrounding the offence, it is clear that the deceased and accused were in marital cohabitation for one year during which the deceased's mother acknowledged was marked by violence and that both the deceased and the offender regularly consumed alcohol and the Community has severally intervened and offered the accused refuge following domestic disputes with her husband. The incident on the material date started innocuously with an amiable drink with the two spouses, and on returning home the accused started to prepare supper, and a disagreement arose when the deceased demanded money from the accused, which she declined and a fight ensued in which the accused stabbed the deceased who subsequently succumbed to his injury at the hospital.

14. The Supreme Court while declining jurisdiction to pronounce on applicability as a defence of the battered wife syndrome because it had not been raised in the two superior courts below, in *Kamande v Republic* [2025] KESC 18 (KLR) held as follows:

“ 1.

93. In totality, we find it contradictory on the appellant's part. Her own evidence demonstrates that she was not involved in a toxic relationship, but rather in a typical boyfriend-girlfriend dynamic. This raises the crucial question of whether the battered woman syndrome was adequately raised and addressed by the courts below. We firmly find it was not. The nature of the relationship between the appellant and the deceased, while it may have been raised at the trial court as self-defence, did not persuade the court from concluding that the appellant was not a victim but rather the perpetrator who contributed to the toxicity of the relationship. The trial court instead adopted the proportionality test in comparing the wounds inflicted by the appellant to the deceased as against those that had been inflicted by the deceased to the appellant, including the circumstances of such infliction. The appellant's actions were thus held to be aggravating in nature rather than demonstrative of lack of self-control within the parameters of self-defence or provocation.”



15. The circumstances of this case do not reveal a battered wife syndrome in the short stint of marital cohabitation, but the circumstances of repeated violence by the deceased and mutual alcohol abuse and, most significantly, that the deceased was the aggressor in the disagreement leading to the fatal assault tend to reduce the blameworthiness of the accused.
16. The Court has considered the circumstance of the case where the killing occurred in unpremeditated incident of altercation which escalated to the assault by the accused of the deceased who was her spouse. The noted report by the Probation Officer report that the accused had in her marriage with the deceased endured continued beatings which may have caused an eruption of anger manifesting itself in the assault resulting on the death of the deceased at the hand of the accused. The Court has also considered that the accused is a mother of young children who needs her care and support. The Court rather hopes that the Probation Office shall avail the accused of a much need anger management skilling for her own benefit and the benefit of the children she has to bring up and the neighbours she has to live with in her community.
17. The Court does not have any facts in the circumstance so this to reject the proposal presented by the Probation Officer. The Court also has taken into account the time spent in custody since 19/4/2024 to cover the retributive element of the sentence in the circumstances of this case.

### **Order**

18. Accordingly, for the reasons set out above, the Court passes on the accused a sentence of Probation for three (3) years for the offence of manslaughter contrary to section 202 as read with 205 of the [\*Penal Code\*](#).
19. Pursuant to section 4(3) of the [\*Probation of Offenders Act\*](#), the Court must warn the accused that, if under section 7 of the Act, she commits further offences or, under section 8 of the Act, fails to comply with probation order, having been convicted of the offence of manslaughter herein, the Court shall pass any sentence which it could pass as if she had just been convicted by the court of the offence of manslaughter contrary to section 202 as read with 205 of the [\*Penal Code\*](#).

Order accordingly.

**DATED AND DELIVERED THIS 28<sup>TH</sup> DAY OF JULY 2025.**

**EDWARD M. MURIITHI**

**JUDGE**

Appearances

Mr. Mamba for DPP.

Ms. Nyangati for the Accused.

