



REPUBLIC OF KENYA



**KENYA LAW**  
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**Republic v Maina (Criminal Case E033 of 2021)  
[2025] KEHC 10756 (KLR) (Crim) (22 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 10756 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CRIMINAL**

**CRIMINAL CASE E033 OF 2021**

**K KIMONDO, J**

**JULY 22, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**CHARLES WARUGU MAINA ..... ACCUSED**

**SENTENCE**

1. The accused pleaded guilty to the lesser but cognate offence of manslaughter under a plea agreement recorded on 21<sup>st</sup> January 2025.
2. On 18<sup>th</sup> April, 2021, Kevin Kyalo Mutua (hereafter the deceased) met the accused at the home of Loota Lenkai in Mbotela Estate. There were other people in the house and they were all consuming alcohol. An ugly quarrel arose at some point when the accused refused to hand over car keys and the gate keys to the deceased's cousin, Victor. The accused then threw the keys on top of the roof of Loota's house. A fight now ensued between the accused and Victor.
3. The accused later picked a bottle, broke it and threatened to stab Victor. The deceased who was standing nearby intervened and cautioned the accused. Incensed, the accused stabbed the deceased several times on the neck, cheek and ear with the broken bottle (exhibit 1).
4. He was rushed to Eastleigh Mother and Child Hospital where he was declared dead on arrival. The accused who was found hiding in a nearby construction site, was arrested by the public and escorted to Makongeni Police Station.
5. The post mortem examination (exhibit 2) concluded that the death occurred from "exsanguination due to penetrative trauma". I find that the cause of death was unlawful and consistent with the facts read out at the trial and now admitted by the accused.



6. Learned prosecution counsel, Ms. Kigira, prayed for a deterrent custodial sentence. She urged the court to consider the gruesome act and the impact of the offence on the victim's family.
7. There is then the mitigation tendered on behalf of the accused by his learned counsel, Mr. Marube. He submitted that the accused is a first offender and very remorseful. He blamed the homicide on drunkenness. The accused has been in custody for about 4 years and attended various courses in prison as per the eleven certificates filed in court. In sum, learned counsel pleaded for leniency.
8. I have also studied the pre-sentencing report under the hand of Mercy Kanyangi, Probation Officer. It does not recommend a non-custodial sentence.
9. On the other hand, is the victim's family. The deceased was aged 31 and has a daughter who was only 5 months old at the time he died. His father stated that the deceased was his only son and the "economic pillar, more so after he relocated to the village....after his demise, his father had to assume responsibility [for the] daughter in law and grandchild".
10. I have taken into account all the surrounding circumstances and the fact that the accused is a first offender. But I find that his unrelenting anger fueled by lack of control over alcohol led to loss of an innocent life. It has now ended in needless agony for the family of the deceased. The fact that he broke a bottle and used a piece of it to fatally stab the deceased remains an aggravating factor. It is also clear that the family of the victim has been devastated by the loss and no reconciliation has taken place.
11. Sentence should be commensurate to the moral blameworthiness of the offender but also guided by the nature and gravity of crime. Manslaughter is a grave felony and attracts a sentence of life imprisonment. Justice in this case can only be served by a long custodial sentence. It will also afford the accused an opportunity to further introspect and get full rehabilitation.
12. I accordingly sentence the accused to serve seven (7) years in jail. The sentence shall run from 18<sup>th</sup> April 2021, the date when he was first arrested and placed in custody.
13. The accused has a right of appeal to the Court of Appeal within 14 days and as per the Rules of that Court but only on the sentence. A copy of the proceedings and sentence shall be supplied to him immediately.

It is so ordered.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 22<sup>ND</sup> DAY OF JULY 2025.**

**KANYI KIMONDO**

**JUDGE**

Sentence read virtually on Microsoft Teams in the presence of-

The accused.

Ms. M. Kigira for the Republic instructed by the Office of the Director of Public Prosecutions.

Mr. N. Marube for the accused instructed by Ntenga Marube Advocate.

Mr. E. Ombuna, Court Assistant.

