



REPUBLIC OF KENYA



**Republic v Nganga (Criminal Case E044 of 2023)  
[2025] KEHC 9888 (KLR) (Crim) (8 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 9888 (KLR)

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

**CRIMINAL  
CRIMINAL CASE E044 OF 2023**

**K KIMONDO, J**

**JULY 8, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**JOSEPH KUNG’U NGANGA ..... ACCUSED**

**SENTENCE**

1. The accused pleaded guilty to the lesser but cognate offence of manslaughter under a plea agreement recorded on 26<sup>th</sup> March 2025.
2. On 10<sup>th</sup> June 2023, Perminus Githendu alias G-man (hereafter the deceased) and accused were together at Mapatano Bar taking alcohol and chewing miraa (khat). Another man, Patrick Mureithi was with them. He saw the accused and deceased enter into a heated argument but he calmed them down. The three three stayed at the establishment until 23:00 hours when the bar closed
3. The deceased then went into another miraa joint at Benedicta area operated by Evangeline Njoki Muriuki. At around 01:00 hours on the 11<sup>th</sup> June 2023, the accused arrived brandishing a knife and stabbed the deceased on the left thigh. The deceased was rushed to Puma Hospital in Utawala and later to Bristol Park Hospital where he succumbed to the injuries. The accused, who took off from the scene, was arrested a kilometer away from the scene and the knife recovered from him.
4. The autopsy report by Dr. Peter Ndegwa (exhibit 3) confirms that the cause of death was “exsanguination due to a vascular injury from sharp force trauma” which I find to be consistent with the facts read out at the trial and now admitted by the accused.



5. Learned prosecution counsel, Ms. Kigira, confirmed from the CRO records that the accused is a first offender. However, she urged the court to consider the gravity of the crime and its impact on the victim's family.
6. There is then the mitigation tendered on behalf of the accused by his learned counsel, Mr. Kimani. He emphasized that the accused regrets his conduct and has saved the court judicial time by entering into the plea agreement. He added that the accused is young, remorseful and was extending an apology to the victims through the court. He added that the accused has undergone reform in prison and pleaded for leniency; preferably a non-custodial sentence.
7. I have also considered the pre-sentencing report dated 24<sup>th</sup> April 2025 under the hand of Mr. Kiriga Kimani, Probation Officer. The accused is 33 years old and a first offender. He seems to be genuinely remorseful and prays for a fresh start in life.
8. But on the other hand, is the victim's family. They are still bitter and have never been approached by the family of the accused for reconciliation. According to the social report, "their kin's life was cut short at the prime of his life...they were affected emotionally and psychologically...and wish the offender gets the maximum sentence according to the law".
9. I thus find that the accused's unrelenting anger led to loss of an innocent life. It has now ended in needless agony for the family of the deceased. The fact that he used a knife to slice off a major blood vessel on the victim's thigh and he ran away remains an aggravating factor. It is also clear that the family of the victim is still hurting and no reconciliation has taken place.
10. 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. Like I have stated, the fact the fact that he used a knife to slice off a major blood vessel on the victim's thigh and he ran away is a major aggravating factor
11. Justice of the case thus demands a custodial sentence. It will also afford the accused an opportunity to further introspect, get anger counselling and undergo further reform.
12. I accordingly sentence the accused to serve six (6) years in jail. The sentence shall run from 11<sup>th</sup> June 2023, 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 8<sup>TH</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. E. Ombuna, Court Assistant.

