



**Republic v Mwangi (Criminal Case 49 of 2019)
[2025] KEHC 9644 (KLR) (2 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 9644 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE 49 OF 2019
SM MOHOCHI, J
JULY 2, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

BENARD KARIA MWANGI ACCUSED

SENTENCE

1. Benard Karia Mwangi, you were charged with the offence of Murder contrary to section 203 as read with section 204 of the Penal Code. The particulars were that on the 4th of October, 2019 at kiratina Nakuru East Sub-County, Nakuru county, murdered Lucy Nyira Ndungu.
2. Upon conclusion of the Trial, you were convicted on a lesser charge of manslaughter and the court ordered for the filing of the Pre-sentence inquiry report.
3. This Court has now considered the Pre-Sentence inquiry Report dated 20th April 2025 by Elizabeth Kwamboka Probation Officer Nakuru which is unfavorable to the accused.
4. It is the duty of this court to impose a sentence that meets the facts and circumstances of the case; this court has considered the full circumstances of the offence which is contained in the Facts.
5. The Sentencing Policy Guidelines informs sentencing in Kenya to achieve proportionality, Equality, Uniformity, Parity, Consistency, Impartiality, Accountability/Transparency and Inclusiveness.
6. The applicable law on sentence 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’
7. The section provides for the maximum sentence, that is life imprisonment; this court has taken into consideration the aggravating circumstances in that the convict caused the death of his wife who left



behind three young children, of late the country has witnessed a spike in cases of femicide and wanton domestic violence mostly against the female spouses warranting a decisive action by the judicial system.

8. The mitigating factors taken into consideration by this court are, the personal circumstances of the convict his remorse and being a first offender;

Findings & Determinations

9. I am satisfied that the convict deserves a custodial imprisonment sentence. I noted that the convict is unwanted by his/victim immediate family and the community at large and no case is made out for a non-custodial sentence.
10. The Punishment for Manslaughter under Section 205 of the *Penal Code* is up to life imprisonment. However, considering the fact that the accused in a domestic violence scenario poured petrol and set ablaze the deceased while she was seated on a sofa, he subsequently attempted to obfuscate the crime by influencing the deceased not to disclose the truth, which truth was cemented in her dying declaration, the circumstances under which this offence was committed, the age of the accused and mitigations which include his responsibilities to third parties who are his children; an on the whole, considering the objects and guidelines on sentencing.
11. I hereby exercise discretion and sentence Benard Karia Mwangi to serve Twenty (20) years imprisonment, the accused has spent nearly six years in prison remand which period shall be considered as provided for in the proviso to Section 333(2) of the *Criminal Procedure Code*.
12. The Sentence shall be calculated to run from the date of his arrest on the 29th September 2019.

It is so ordered.

JUDGEMENT READ, SIGNED AND DELIVERED AT NAKURU THIS 2ND DAY OF JULY, 2025

MOHOCHI. S. M.

JUDGE

