



**Republic v Kwamboka (Criminal Case E032 of 2024)
[2025] KEHC 13020 (KLR) (Crim) (23 September 2025) (Sentence)**

Neutral citation: [2025] KEHC 13020 (KLR)

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

**CRIMINAL
CRIMINAL CASE E032 OF 2024**

**K KIMONDO, J
SEPTEMBER 23, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

ZAINAB KWAMBOKA ACCUSED

SENTENCE

1. The accused pleaded guilty to the lesser but cognate offence of manslaughter under a plea agreement recorded on 14th July 2025.
2. The accused and James Mwangi Mugo (hereafter the deceased) were cohabiting as man and wife in the shanties of Fuata Nyayo, Nairobi. They had two young children. On 10th March 2024 the deceased arrived home at about 17:00 hours and fed the children. The accused did not come home until 22:00 hours. She was drunk. An argument ensued over Kshs. 1000 left by the deceased for the purchase of books but which the accused spent on alcohol.
3. A neighbor, Samuel Kanga, was woken up by the children's screams at around 01:00 hours shouting "Mama wacha kuua Baba". He heard the accused tell the deceased "Did I not tell you?" followed by screams from the deceased that he was being killed: "Nauwawa! Nauwawa!". He then saw a man run past his door while holding onto his neck. The man was the deceased who then fell face down on the plot's corridor with blood oozing from his throat.
4. The neighbours decided to lynch the accused. They chased her towards the nearby police post where she was rescued by the police and taken for treatment at Mbagathi Hospital. The deceased's body was removed to the City mortuary.



5. The autopsy report by Dr. Simon Omuok (exhibit 1) confirms that the cause of death was “excess haemorrhage from a vascular injury due to a single stab wound”. I find that the conclusion is consistent with the facts read out at the trial and now admitted by the accused.
6. Learned prosecution counsel, Ms. Kigira, produced the records of the accused indicating she is a first offender. She urged the court to consider the cruelty meted out on the deceased by the accused and the impact of the offence on the minor children who witnessed the attack. She prayed for a custodial sentence.
7. The victim’s family was not represented. Their views are however captured in the presentencing report dated 15th September 2025 under the hand of Ms. Salome Muthoni, Probation Officer, Nairobi. The deceased was the first born child and survived by his father and seven siblings. They said they have “suffered immense loss as he was pivotal in financially supporting them”. They remain bitter and have no intention to reconcile with the accused.
8. I have then considered the mitigation tendered by the accused’s learned counsel, Mr. Kiprono. He submitted that the accused fully co-operated with the investigative agencies and is remorseful. Her two children now depend on her. In a word, he pleaded for leniency.
9. I have taken into account that the accused is a first offender. But she stabbed the deceased on the neck severing major blood vessels. It was a vicious and unnecessary assault committed in full glare of their two children. The fact that she deployed a sharp object on the deceased’s neck causing his death a few minutes later is an aggravating factor.
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. Justice of the case demands a custodial sentence. It will also afford the accused an opportunity to further introspect and get additional counselling.
11. I accordingly sentence the accused to serve six (6) years in jail. The sentence shall run from 10th March 2024, the date when she was first arrested and placed in custody.
12. 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 her immediately.

It is so ordered.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 23RD DAY OF SEPTEMBER 2025.

KANYI KIMONDO

JUDGE

Ruling read virtually on Microsoft Teams in the presence of- Accused.

Ms. Maina holding brief for Ms. Kigira for the Republic instructed by the Office of the Director of Public Prosecutions.

Mr. Mwale for the accused instructed by Mwale & Bietta Advocates LLP.

Mr. E. Ombuna, Court Assistant.

