



REPUBLIC OF KENYA



**Republic v Wangeci (Criminal Case 4 of 2016)
[2025] KEHC 12803 (KLR) (16 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12803 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE 4 OF 2016
DO CHEPKWONY, J
SEPTEMBER 16, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

PETER NJOROGE WANGECI ACCUSED

RULING

1. For consideration and determination before this Court is a Notice of Motion application dated 15th August, 2025, in which the Applicant is seeking for orders that:-
 - a. The Honourable Court be pleased to withdraw the bond placed for the accused in HCCR. No.4 of 2016, Republic –vs- Peter Njoroge Wangeci for the reason that the surety has passed away and his estate is being administered in Kerugoya MSCUCC. NO.E289 of 2024, In the Estate of Itugu John Mukuba.
 - b. That the bond placed on behalf of Peter Njoroge Wangeci forms part of the estate of the surety, and needs to be administered.
 - c. That this Honourable Court do make any orders that it deems fit in the circumstances.
2. The application is supported by the grounds set out on its face and reiterated in the Supporting Affidavit sworn by the Applicant, Jane Wanjiru Mwangi, on even date, where she had deponed that she is the Widow of John Mukuba Itugu, alongside the annexures attached and marked as “JWM-1 to JWM-4”, being the Chief’s letter dated 20th April, 2024, Copy of Death Certificate issued on 2nd August, 2024, Gazette Notice No.4414 issued on 8th April, 2025 and Copy of List of Letters of Administration. The application is not opposed by the Respondents/the prosecution.



3. I have read through the grounds upon which the application is premised alongside the annexures attached thereto. I have also read through the records of proceedings, more specifically, the proceedings in respect of approval of surety on 17th August, 2016.
4. It is indeed confirmed that John Mukuba Itugu presented himself to this Court and stood s surety for the accused person upon which he deposited a title deed No.Donyo Sabuk/Komarock Block 1/28650 as security for the accused person Peter Njoroge Wangeci to be released on a bond of Kshs.500,000/=.
5. It is also confirmed that the said surety, John Mukuba Itugu is now deceased, having died on 27th April, 2028 as per the Death Certificate Serial No.XXXXXXXXXX issued on 2nd August, 2024.
6. It is further confirmed that the Applicant, Jane Wanjiru Mwangi of ID No.XXXXXXXXXX and son, Jeff Itugu Mukuba of ID No.XXXXXXXXXX were identified by the Assistant Chief of Rukanga Sublocation as the only surviving beneficiaries of the Estate of the said John Mukuba Itugu vide a letter dated 20th April, 2024. That the said Widow filed for Succession and the Applicant has since been confirmed as the Administrator of the Estate of John Mukuba Itugu vide Letters of Administration Intestate issued on 3rd July, 2025 and Gazette Notice No.4414 of 8th April, 2025.
7. In view of this, the Notice of Motion application dated 15th August, 2025 be and is hereby allowed in the following terms:-
 - a. The surety John Mukuba Itugu, now deceased, be and is hereby discharged as such and the title deed to land No.Donyo Sabuk/Komarock Block 1/28650 deposited herein as security on 30th July, 2025 be released forthwith to the Administrator to the Estate of Itugu John Mukuba, Jane Wanjiru Mwangi.
 - b. In view of this, the accused person is hereby remanded in custody until such time that he will avail another surety on similar terms.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 16TH DAY OF SEPTEMBER 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:

M/S Ndeda counsel for the State

Mr. Ntiro holding brief for Mr. Amutala counsel for accused

Court Assistant – Martin/Sakina

