



**Republic v Gethiu (Criminal Case 15 of 2015)
[2024] KEHC 2725 (KLR) (13 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2725 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE 15 OF 2015
HI ONG'UDI, J
MARCH 13, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

EDWARD NDEGWA GETHIU ACCUSED

RULING

1. Edward Ndegwa Gethiu the accused herein was charged and convicted of the offence of Murder contrary to section 203 as read with section 204 of the *Penal Code*. He was charged on 9th March, 2015 and was convicted on 26th October, 2023. The record shows that he was released on bond on 20th June, 2017. So, he was in remand custody for two (2) years, plus 3½ months and not three (3) years as submitted by the defence counsel.
2. A pre-sentencing report dated 13th December, 2023 was filed on the same date by Mr. Samuel Ndungu a Probation Officer Nakuru. I have perused it and it is a favourable one. The officer has had a discussion with both families and the administration. Its also noted that the accused had been on bond since 20th June, 2017 up to 22nd November, 2023 when he was remanded in custody following his conviction.
3. His advocate Mr. Maragia was in support of the pre-sentencing report.
4. The prosecution counsel Mr. Konga confirmed that the accused was a first offender. He was however opposed to his release on a non-custodial sentence.
5. I have considered the circumstances under which this offence was committed. The deceased was an innocent little child aged 2½ years and had nothing to do with the differences between her father and the accused person. It is very unfortunate that the accused person elected to take away the child's life without blinking an eye. The Probation officer recommended a probation sentence for three (3) years without stating the reason for his recommendation. In all fairness the accused is deserving of a custodial



sentence. He is hereby sentenced to five and a half (5½ years) imprisonment less the period he was in remand custody.

6. Orders accordingly

DELIVERED, DATED AND SIGNED THIS 13TH DAY OF MARCH, 2024 IN OPEN COURT AT NAKURU.

H. I. ONG'UDI

JUDGE

