



REPUBLIC OF KENYA



**Republic v Piru (Criminal Case E003 of 2022)
[2024] KEHC 3134 (KLR) (12 March 2024) (Sentence)**

Neutral citation: [2024] KEHC 3134 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE E003 OF 2022**

**A. ONG'INJO, J
MARCH 12, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

MANGALE MWERO PIRU ACCUSED

SENTENCE

1. The accused Mangale Mwero Piru faces a charge of murder contrary to Section 203 as read together with Section 204 of the [Penal Code](#).
2. Particulars of the offence are that Mangale Mwero Piru on 23rd day of September 2021 at Mkuduru B village, Dzombo Location in Lungalunga Sub County within Kwale County murdered Mwero Piru Nyawa.
3. The accused was found guilty of the offence of murder and convicted. Upon conviction, the accused person's advocate mitigated on his behalf and said that the accused person was a young man and remorseful for what happened. Ms. Nzamba Advocate requested that court passes reasonable sentence.
4. The Victim Impact Statement Report prepared by Mr. Stephen Muthoka, the Senior Probation Officer dated 11th March and filed on the same day indicated that the deceased was the biological father of the accused and that the duo are said to have had issues which were catalyzed by the accused's involvement in drugs. That the victims left back in the community are still bitter of the acts and do not wish to pursue any reconciliation at the moment and wish that the court deals with the matter conclusively. The report recommended that in light of the above, this court exercises its discretion.
5. This court has considered the accused person's mitigation, the circumstances of this case and the Victim Impact Statement. However, the manner in which the offence was committed particularly the fact that a panga was used to inflict fatal injuries and the fact that this offence was premeditated makes this court find that a deterrent sentence that mirrors the seriousness of the offence is called for. Such



sentence can only be custodial sentence. This court therefore sentences the accused to serve 30 years in prison. The sentence to run from 10th January 2022 when the accused was first arraigned in court. Right of appeal within 14 days explained.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,
THIS 12TH DAY OF MARCH 2024**

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of: -

Etropia- Court Assistant

Mr. Ngiri for the State

Ms. Nzamba Advocate for the Accused

Accused present in person

HON. LADY JUSTICE A. ONG'INJO

JUDGE

Court: Copies of Proceedings, Judgment and Sentence to be supplied to state and defence.

HON. LADY JUSTICE A. ONG'INJO

JUDGE

12.3.2024

