



**Republic v Kinyanjui (Criminal Case E047 of 2022)
[2024] KEHC 5920 (KLR) (Crim) (24 May 2024) (Sentence)**

Neutral citation: [2024] KEHC 5920 (KLR)

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

CRIMINAL CASE E047 OF 2022

K KIMONDO, J

MAY 24, 2024

BETWEEN

REPUBLIC PROSECUTOR

AND

GEOFFREY KINYANJUI ACCUSED

SENTENCE

1. The accused pleaded guilty to the lesser but cognate offence of manslaughter under a plea agreement recorded on 19th March 2024. At the time of that agreement, two witnesses had testified against him on the original Information for murder.
2. Geoffrey Oduma Sadia (hereafter the deceased) and Beatrice Kiatine developed a romantic relationship online. On 1st July 2022, he visited her rented apartment at Pipeline Estate where they imbibed in alcohol and some type of khat (miraa). By the time she was escorting him out at midnight, they were both highly intoxicated.
3. Unknown to the deceased, Beatrice was in another relationship with the accused who was now on his way up to her apartment. The trio met on the ground floor and an ugly fight erupted between the two men. Efforts by Beatrice to separate them were unsuccessful. After about 10 minutes, a witness saw the accused chase the deceased across the road, trip him down and hit him on the face with a big stone. The accused continued to rain blows and kicks on the deceased until he could not stand. Members of the public intervened and took the deceased to a medical facility where he was pronounced dead.
4. The accused was arrested the following day by officers from Kware Police Post as he tried to board a matatu to his rural home in Kiambu.



5. The autopsy report by Dr. J. R. Ndungu (exhibit 1) confirms that the cause of death was “head injury secondary to blunt force trauma with also features of pressure to the neck” which is consistent with the facts read out at the trial and admitted by the accused.
6. I have considered the mitigation tendered by his learned counsel, Mr. Ogude, and the pre-sentencing report filed on 21st May 2024 under the hand of Andrew Kanyutu, Probation Officer. The accused is 35 years old and a boda boda rider. He is married with two young children. The wife was however infuriated by the circumstances of this offence and retreated back to her rural home. The accused expressed remorse for his conduct and pleaded for leniency. He claimed to have reformed in prison and undergone counselling for anger management.
7. On the other hand, is the victim’s family. They include his grieving wife and six young children. He was the breadwinner and the family has been forced to relocate from a comfortable house in Fedha Estate to a single room in Pipeline Estate. The widow had hoped for some form of compensation from the accused’s family but I saw no evidence of reconciliation between the two families. From the pre-sentence report, it is evident that her life and that of the children is now a daily struggle.
8. I have taken into account that the accused is a first offender. But his unabated anger and violence led to loss of life and unnecessary anguish to the family of the deceased. The fact that the accused chased the deceased outside the apartments, tripped him onto the ground across the road, hit him with a big stone on the head, and continued to inflict blows and kicks is an aggravating factor.
9. 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 counselling.
10. I accordingly sentence the accused to serve six (6) years in jail. The sentence shall run from 2nd July 2022, the date when he was first arrested and placed in custody.
11. 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 him immediately.

It is so ordered.

DATED, SIGNED and DELIVERED at NAIROBI this 24th day of May 2024.

KANYI KIMONDO

JUDGE

Sentence read virtually on Microsoft Teams in the presence of-

The accused.

Ms. Wafula for the Republic instructed by the Office of the Director of Public Prosecutions.

Mr. Ogude for the accused.

Mr. E. Ombuna, Court Assistant.

