



**Republic v Irambona (Criminal Case E031 of 2021)  
[2024] KEHC 5013 (KLR) (Crim) (17 May 2024) (Sentence)**

Neutral citation: [2024] KEHC 5013 (KLR)

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

**CRIMINAL  
CRIMINAL CASE E031 OF 2021**

**K KIMONDO, J**

**MAY 17, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**DESIRE IRAMBONA ..... ACCUSED**

**SENTENCE**

1. The accused pleaded guilty to the lesser but cognate offence of manslaughter under a plea agreement recorded on March 13, 2024.
2. The accused is a Burundian National. At the material time, he was residing in Mirema, Nairobi. On April 11, 2021, a heated argument arose between him and the deceased. The accused claimed that the deceased was trying to seduce his girlfriend, Mary Mwangi.
3. That petty altercation developed into a full-blown fight. The accused then grabbed a knife from a vegetable kiosk, ran after the deceased and stabbed him in the back several times. The deceased was first rushed to nearby medical facilities but ultimately succumbed to the fatal wounds two days later at the Kenyatta National Hospital.
4. The autopsy report (exhibit 1) confirms that the cause of death was “massive blood loss with multiple injuries.....due to a sharp force injury post stabbing” which is consistent with the facts read out at the trial and admitted by the accused.
5. I have considered the mitigation tendered by his learned counsel, Ms. Gituma, and the pre-sentencing report filed on May 13, 2024. The accused is 27 years old and pleaded for leniency. He seems to have a talent in the arts and in music in particular. Like I mentioned earlier, he immigrated from Burundi. Although he claims to have come into the Republic to escape upheavals in his nation, there is a dearth



of evidence on the matter. It is also very clear from the pre-sentencing report, that his immediate family all reside in Burundi.

6. On the other hand is the victim's family. They are still grieving the loss of a loved one. The deceased was only 21 and interning at the University of Nairobi. His death has "had economic, psychological and social effects" particularly on his father, Samuel Muruguchi. Although their learned counsel, Mr. Wairegi, claimed that the victims were not consulted, I note that the Probation Officer interviewed the deceased's mother, Diana Wamboi, and his two sisters, Dinah Wairimu and Debra Muthoni.
7. I have also taken into account the mitigation tendered and the circumstances surrounding the homicide. The fact that the accused stepped away from the fight, grabbed a knife, ran after the deceased and stabbed him on the back is an aggravating factor. The Republic did not present his records. But from the pre-sentencing report, he seems to be a first offender. I say that carefully considering the accused is an alien.
8. 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. But the circumstances under which the accused stabbed the deceased to death call for a custodial sentence. That is the justice of the case. It will also afford the accused an opportunity to further introspect and get counselling on how to control his impulses.
9. I accordingly sentence the accused to serve ten (10) years in jail. The sentence shall run from April 11, 2021, the date when he was first arrested and placed in custody. Upon serving the sentence, the accused shall be deported to the Republic of Burundi.
10. 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 17<sup>TH</sup> DAY OF MAY 2024.**

**KANYI KIMONDO**

**JUDGE**

Sentence read virtually on Microsoft Teams in the presence of-

The accused.

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

Ms. Gituma for the accused.

Mr. Wairegi watching brief for the victim's family.

Mr. E. Ombuna, Court Assistant.

