



**Republic v Githui (Criminal Case E004 of 2020)
[2024] KEHC 7653 (KLR) (20 June 2024) (Sentence)**

Neutral citation: [2024] KEHC 7653 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CRIMINAL CASE E004 OF 2020
DKN MAGARE, J
JUNE 20, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

EDWARD KARUGU GITHUI ACCUSED

SENTENCE

1. The above mentioned accused person is charged with the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#).
2. The particulars of the offence are that on the 14th day of September, 2020 at Kanyiriri village, Iruri Sub Location, Hombe Location, Mathira West Sub County within Nyeri County he murdered one John Githui Karugu.
3. A plea bargaining agreement was later entered between accused and the Director of Public Prosecutions after the murder charges were reduced to manslaughter contrary to Section 202 as read with Section 205 of the [Penal Code](#).
4. The particulars being that on the 14th day of September, 2020 at Kanyiriri Village, Iruri Sub Location, Hombe Location, Mathira West Sub County within Nyeri County he unlawfully killed John Githui Karugu.
5. On the 14th day of September, 2020 the deceased was not feeling well. He had gone for treatment at a nearby clinic. Upon arrival at his homestead the accused who was one of his sons went to tend to him but the father smelt cannabis sativa from him, picked a stick and beat him up.
6. The accused picked a stick and hit the deceased severally on the head. The deceased fell down unconscious. The accused went for help from a neighbour who made a report to the area Chief and police were informed. Police went to the scene and took photographs and removed the body to



Karatina Hospital Mortuary for postmortem purposes. The post mortem was done by Dr. Stephen Nderitu who formed the opinion that the cause of death was severe head injury, chest and abdominal consistent with multiple blunt trauma to head, chest, and abdomen.

Mitigation

7. This court called for Probation Officer's report which was furnished.
8. The accused had been working as a mechanic and was not married at the time. He had quarreled with his father over the use of cannabis sativa prior to the attack. He blamed the use of drugs for his predicament. This was 24 years old young man who was brought up by a single parent.
9. The offender has been in custody since 1st October, 2020. It is noted that by entering a plea bargain agreement he has saved this court precious time.
10. Bearing in mind the circumstances surrounding this case, the court sentences the offender to eight years imprisonment with effect from the date of 1st October, 2020.

READ, DATED AND SIGNED AT NYERI ON THIS 20TH DAY OF JUNE, 2024.

M. MUYA

JUDGE

SENTENCE READ ON THIS 20TH DAY OF JUNE, 2024 BY HON. JUSTICE KIZITO MAGARE, J, ON BEHALF OF JUSTICE M. MUYA, THROUGH MICROSOFT TEAMS ONLINE PLATFORM.

KIZITO MAGARE

JUDGE

In the presence of:-

Ms. Wahome for the Accused

Ms. Kaniu for the State

Accused – present

Cpl. Muriithi at Nyeri Maximu

