



**Republic v Maina & another (Criminal Case 31 of 2016)
[2024] KEHC 6640 (KLR) (5 June 2024) (Sentence)**

Neutral citation: [2024] KEHC 6640 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL CASE 31 OF 2016
CW GITHUA, J
JUNE 5, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

CATHERINE WANJIRU MAINA 1ST ACCUSED

FRANCIS NJOROGE KAMANDA ALIAS MSUMARI 2ND ACCUSED

SENTENCE

1. Accused 1, Catherine Wanjiru Maina was initially charged jointly with another one Francis Njoroge Kamanda alias Msumari with the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#) but she was subsequently convicted on her own plea of guilty with the lesser offence of manslaughter contrary to Section 202 as read with Section 205 of the [Penal Code](#) following a plea bargain agreement dated 15th December 2022.
2. The particulars of the offence are that on the night of 13th/14th November 2016 at Karitu Shopping Centre in Kandara Sub-County of Murang'a County, accused 1 unlawfully caused the death of James Kiarie Kamande.
3. I have considered the plea in mitigation offered on behalf of the accused by her counsel, Mr. Mbugua. It was submitted that the accused was a first offender and was a mother of four adult children.

I have also considered the claim that she is remorseful for having taken away the life of an innocent soul. I note that her claim that she suffers from some chronic health conditions has not been substantiated by any evidence.
4. That said, the above mitigating factors must be weighed against the aggravating circumstances in which the offence was committed as shown by the facts of the case.



The facts of the case reveal that on the material night, the accused together with her accomplice killed the deceased by stabbing him on the neck with a knife which was later recovered hidden under a chair in the accused's house.

After killing him, the accused and her friend dragged his body from her house and left it outside where it was discovered the following morning.

5. As a result of the accused's unlawful action, an innocent life was lost which will never be replaced. The accused's alleged remorse for the offence she committed will not bring back the deceased's life or heal the pain and suffering endured by members of his family following the loss of their loved one. The views expressed by members of the deceased's family in the pre-sentence report dated 22nd April 2024 clearly show how the deceased's death negatively impacted their lives.
6. Manslaughter is a serious offence whose maximum penalty is life imprisonment.
The accused's conduct of participating in the killing of the deceased and callously disposing of his body right outside her house where it remained the whole night while she remained inside the house unperturbed until the following morning when she was arrested shows that the accused is heartless and has no value for human life. It is also pertinent to note that it took the accused about four (4) years to own up to her unlawful action by initiating the process of plea bargaining.
7. In my view, a non- custodial sentence is not appropriate in this case as it would send the wrong message to society that the law does not take the right to life seriously and that people who intentionally take away the life of others can escape with light punishment.
8. Taking all relevant factors into account including the content of the presentence report, I hereby sentence the accused to serve a period of fifteen (15) years imprisonment.

The sentence shall take into account the period the accused has already spent in lawful custody.

It is so ordered.

DATED, SIGNED AND DELIVERED AT MURANG'A THIS 5TH DAY OF JUNE, 2024.

C.W. GITHUA

JUDGE

In the presence of :

The accused

Mr. Mbugua for the Accused

Ms. Muriu for the Stat6e

Susan Waiganjo Court Assistant

