



**Republic v Njeri (Criminal Case E024 of 2021)
[2023] KEHC 601 (KLR) (9 February 2023) (Sentence)**

Neutral citation: [2023] KEHC 601 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE E024 OF 2021
MM KASANGO, J
FEBRUARY 9, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

GRACE NYAMBURA NJERI RESPONDENT

SENTENCE

1. Grace Nyambura Njeri(Grace), was charged through the information dated May 5, 2021 with the offence of murder contrary to section 203 as read with section 204 of the *Penal Code*. She pleaded not guilty. Through a plea bargain agreement dated October 31, 2022, the charge against Grace was substituted for the charge of manslaughter. Grace pleaded guilty to the charge of manslaughter.

Facts

2. On April 17, 2021, at around 20 hours, Grace was in her house in the company of her two children. They were having dinner. Peter Maina Kasire (deceased), a neighbour of Grace entered Grace's house and began creating disturbance. The deceased was drunk. Grace left the house in attempt to get help to restrain the deceased. The deceased confronted Grace at the corridor. Grace pushed him back and he was fatally injured by a knife which he had in his possession. The cause of death of deceased was exsanguination due to severe chest injury due to multiple penetrating sharp force trauma.

Sentencing Decision

3. The crime of manslaughter is serious. It was rightly discussed in a Canadian case of *R vs Chivers 1987 CanLII 8599 (NWT SC)* as follows:-

' R v Mandeville, NWTSC, No SC2379, 17th July 1981 (unreported). In the latter case, Tallis J (now JA) reminded us that: -



‘Manslaughter involves the taking of a human life, and it is a serious offence. It is one which, in the absence of mitigating circumstances, must be looked upon seriously by the public and by the courts ... In other words, the sentence must be one of sufficient severity to maintain public confidence in the administration of justice.’

4. Grace is a first-time offender. She is a mother of 4 children, the oldest is 16 years and the youngest is 10 years old. She has pleaded for leniency. She regrets that her action resulted in the death of the deceased. She has been in custody since her arrest now 1 year and 6 months. While in custody, she has successfully undertaken various courses and programs.
5. In my view, considering the circumstances under which the death of the deceased occurred, the appropriate sentence for Grace is a prison sentence of 2 (Two) years.

Conclusion

6. In view of the above, I hereby sentence Grace Nyambura Njeri for the manslaughter of Peter Maina Kasire to a sentence of 2 (Two) years in prison with credit of 1 year 6 months being given to that sentence.

RULING DATED AND DELIVERED AT KIAMBU THIS 9TH DAY OF FEBRUARY, 2023.

MARY KASANGO

JUDGE

In the presence of:-

Coram:

Court Assistant : Mourice/Julia

Grace Nyambura Njeri – accused - Present

For accused Grace Nyambura Njeri:- Mr. Marube

Instructed by DPP:- Mr. Gacharia

RULING delivered virtually.

MARY KASANGO

JUDGE

