



**Republic v JKK (Criminal Case E006 of 2022)
[2023] KEHC 677 (KLR) (6 February 2023) (Sentence)**

Neutral citation: [2023] KEHC 677 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E006 OF 2022
TM MATHEKA, J
FEBRUARY 6, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

JKK ACCUSED

SENTENCE

1. The subject herein was charged with murder contrary to section 203 as read with 204 of the [Penal Code](#). It was alleged that on January 20, 2022 at Ikerereo Area Nakuru North sub county within Nakuru county he murdered Benson Rubia Mukatia.
2. On July 1, 2022 the court was informed that there had been a plea agreement. On inquiry the subject told the court that he had agreed to plead to the lesser charge of manslaughter contrary to section 202 as read with 205 of the [Penal Code](#).
3. Having gone through the plea recording stage, the matter has pending disposal and the final orders of this court.
4. After anxious consideration of the facts of the case as presented the views of the ODPP after the signing of the plea agreement, and three (3) social inquiry reports filed by probation and after care services, i find outcome here, the rejection of the plea agreement by this court under section 137j of the [Criminal Procedure Code](#).
5. The reasons for the rejection are:

The facts of the case as given by the state do not disclose the role played by the subject in the murder of the deceased.



6. The state simply states:

“The police became aware that the subject caused the death of Benson.”

7. In the reports filed by the probation and after care services, the subject is reported not to outrightly admit the offence, but had persistently indicated that he was misled/misused by others. The plea, even though agreed upon is not unequivocal in my view.
8. It has also emerged that the prosecution had not complied with section 137 d of the [Criminal Procedure Code](#) with respect to the victims of the offence. I am alive to the fact that this matter has already been in court for one year, and the subject has been in remand custody. However it is my considered view that the plea agreement is untenable, the same is rejected.
9. The upshot is that the matter will have to go for trial. The bond terms given on March 9, 2022 are still in force, subject to review on the application of the subject on the DPP.
10. Mention on February 8, 2022 before the Deputy Registrar for fixing of hearing dates before the new judge on priority.
11. Orders accordingly.

DATED, DELIVERED AND SIGNED THIS 6TH DAY OF FEBRUARY, 2022.

MUMBUA T. MATHEKA

JUDGE

In the presence of:

Edna Court Assistant

Ms Murunga for state

Ms Mugweru for the subject

Subject present

