



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Ndili (Criminal Case 7 of 2014)
[2023] KEHC 17227 (KLR) (11 May 2023) (Judgment)**

Neutral citation: [2023] KEHC 17227 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERUGOYA
CRIMINAL CASE 7 OF 2014
RM MWONGO, J
MAY 11, 2023**

BETWEEN

REPUBLIC PROSECUTION

AND

PETER MAKAU NDILI ACCUSED

JUDGMENT

1. Charge: Murder Contrary to Section 203 as read with Section 204 [PC](#).
2. Plea: First entered Plea on May 8, 2014.
3. PBA: Signed by Parties. Adopted by Court October 6, 2022
4. Conviction: Manslaughter Contrary to Section 205 [PC](#), liable for Life Imprisonment.
5. DPP at mitigation: Recommends 20 years Imprisonment.
1st offender Yes? No? No information from DPP
Accused seeks an unstated sentence.
6. Accused seeks an unstated sentence.
7. Facts: As per PBA: On March 10, 2014 Accused was at home when deceased visited. They then visited the deceased's brother up to 9.00 pm. Whilst there at about 10 pm he heard the sister, Teresia Mbithe Mutunga scream that the Accused had stabbed her with a knife.
8. He rushed her to Embu Hospital where she was pronounced dead on arrival.
9. Post mortem: Cause of Death: Cardiopulmonary arrest due to hemorrhage secondary to stab wound.
10. Dated March 25, 2014; Medical Superintendent Embu Hospital.



11. POR: Dated October 28, 2022 Recommends accused as suitable for non-custodial sentence by was of a Probation Order; Recommends Counselling in Conflict Management, Anger Management, and to be facilitated in reconciliation. Filed November 1, 2022.
12. Accused mitigation: Through Counsel: 1st offender, Age 51 years and father of 4 children; During his imprisonment his children have been visiting and the family forgave him; Accused is well regarded.
13. He has been in continuous custody since his arrest in 2014 (March) 9 years in Prisons Report filed February 6, 2023 indicates. Good character, disciplined and well behaved. Is a committed follower of SDA Church. Recommends accused highly and prays that to be given a second chance.
- 14.

Sentence:

1. This is an appropriate case for a non-custodial sentence.
2. In addition to the 9 years and 1 month accused has been in custody, the Court sentences the Accused to 6 months non-custodial sentence with immediate effect.

During that period the Accused:

- a. Shall be engaged in a programme of Counselling including: Conflict Management, Anger Management and Reconciliation.
- b. Shall engage in Community Service in a public facility/office or a programme designed by the Probation Officer.

DATED AND SIGNED THIS 11TH DAY OF MAY, 2023.

R. MWONGO

JUDGE

Delivered in the presence of:

- 1. State Counsel - Mamba.**
- 2. Magara - for Accused.**
- 3. Accused - Present in Court.**
- 4. Murage - Court Assistant.**

