



**Republic v Gathambu (Criminal Case 36 of 2017)  
[2023] KEHC 20082 (KLR) (6 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20082 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAHURURU  
CRIMINAL CASE 36 OF 2017  
CM KARIUKI, J  
JULY 6, 2023**

**BETWEEN**

**REPUBLIC ..... RESPONDENT**

**AND**

**MAXWELL MUKOBI GATHAMBU ..... ACCUSED**

**RULING**

1. The Accused was convicted of murder under section 203 as read with section 204 [Penal Code](#) 63 Laws of Kenya after a full trial; thus, the matter was fixed for sentencing.
2. The court notes that there are no previous records as stated by the Prosecution; thus, he will be treated as a first offender. The defence mitigated, and the court has considered the same mitigations keenly. However, the Accused killed an innocent lady, his wife, without evidence of provocation. He inflicted a brutal attack with a knife directed at her neck. She must have suffered excruciating pain.
3. The accused is seeking refuge in hallucinations and substance abuse yet no evidence was tendered to support such defence. However, the Psychiatrist's report indicated that he was fit to plead and no mental illness or deficiency was disclosed. He did not produce any evidence, which could have diminished his responsibility for the act during the attack.
4. There were elements of matrimonial disharmony but same is not a justification for one to slaughter a wife like an animal. The court abhors brutality and violence, especially in domestic settings.
5. Thus, the court has to apply the elements of deterrence and inflict retribution to discourage such acts in the future.
6. Thus, the court finds it justified to award accused custodial sentence to the accused person for a term of thirty(30) years to run from July 6, 2023.

**DATED, SIGNED, AND DELIVERED AT NYAHURURU ON THIS 6TH DAY OF JULY 2023.**



.....  
**CHARLES KARIUKI**  
**JUDGE**

