



**Republic v Kiguru (Criminal Case E004 of 2022)
[2023] KEHC 22284 (KLR) (19 September 2023) (Sentence)**

Neutral citation: [2023] KEHC 22284 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL CASE E004 OF 2022
J WAKIAGA, J
SEPTEMBER 19, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

MARK NJUGUNA KIGURU ACCUSED

SENTENCE

1. The accused was initially charged with the offence of murder Contrary to section 203 as read with section 204 of the *Penal Code* and by a plea bargain agreement entered into between the convict and the prosecution and accepted and recorded in Court on 28th day of February 2023. The said charges were reduced to manslaughter contrary to section 202 as read with section 205 of the *Penal code*. The particulars of which were that on the 25th day of January 2022 at Kihumbuini village in Gatanga Sub County of Muranga County unlawfully caused the death of Richard Kiguru Njuguna.
2. He pleaded guilty to the said charges, the fact of which were that the convict and his wife together with the deceased who was their child were at home after supper and as the wife was washing dishes. She asked the convict to baby sit the deceased as she was outside the house, upon which the convict closed the door from inside and when the wife asked him the reason for doing so, his response was that he was afraid and that he was hearing voices talking to him, to which she advised him to pray and be strong.
3. The convict then started threatening the wife saying that he would kill their child and if she raised any alarm, he would kill her too, he then took the child and threw him on the floor killing him instantly.
4. In mitigation, the convict stated that he was a first offender who was remorseful and had been forgiven by his family.
5. In compliance with the Sentencing Policy Guidelines, the Court called for pre-sentencing report, which had not been availed and no reason offered as at the time of this decision and it must be stated



for record purposes that the Court was therefore left with minimal assistance and information save for what was contained on the plea bargain agreement.

6. The parties having reached a plea bargain agreement, the Court was denied the opportunity of establishing the motive for the senseless killing of an innocent child who at the time of his death was only three months but I have looked at the post-mortem report produced as exhibit one which confirmed that the deceased sustained mutilated head bearing a deformed calvaucum and scalp with 95% of the brain missing thereby confirming the great force the convict used which in my mind is evidence of hate on the part of the convict towards the deceased.
7. Whereas the accused entered into plea bargain agreement, I am of the considered view and hold that a deterrent sentence is the most appropriate in the following circumstances and would therefore sentence the same to an imprisonment term of fifteen (15) years with effect from February 8, 2022 when the same first appeared in Court having taken into account the provisions of section 333 of the *Criminal Procedure Code*.
8. The accused had no right to take away the life of a helpless three-month infant the fact that he was hearing voices in his head notwithstanding. He should have taken advantage of the remedy offered to him by his wife of praying over the same but for reasons which he did not offer to Court decided to act as Nabal that foolish husband in the bible by not only ignoring his wife's wise counsel but proceeded to threaten her with the now new term popularised by the 5th President of the Republic of Kenya to send her to heaven where he ended up sending the deceased and having so done, I take the option of sending him to jail which I hereby do since the *Constitution* has not granted me powers of sending him away from Kenya which had I those powers would have been the best suitable option for such a man as the convict has no business living in Kenya which is masquerading as a Christian Nation.
9. The convict has a right of appeal on sentence having entered into plea bargain agreement for which I convict him on his own plea of guilt.
10. And it is ordered.

DATED, SIGNED AND DELIVERED AT MURANGA THIS 19th DAY OF SEPTEMBER 2023.

J. WAKIAGA

JUDGE

