



**Republic v Miruni & 3 others (Criminal Case E019 of 2024)
[2024] KEHC 16013 (KLR) (8 November 2024) (Sentence)**

Neutral citation: [2024] KEHC 16013 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
CRIMINAL CASE E019 OF 2024
REA OUGO, J
NOVEMBER 8, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

METRINE NANJAKHO MIRUNI 1ST ACCUSED

DORICE NAKAMI WASWA 2ND ACCUSED

MOVAT SITUMA WAMUSAYI 3RD ACCUSED

CHRISPINUS WAMBAYA 4TH ACCUSED

SENTENCE

1. Metrine Nanjakho Miruni the 1st accused, Dorice Nakami Waswa the 2nd accused, and Movat Situma Wamusayi the 3rd accused persons pleaded guilty of the offence of Manslaughter, Contrary to Section 202 as read with Section 205 of the [Penal Code](#). This was after a plea bargain.
2. The particulars of the charge are that the 1st, 2nd & 3rd accused persons on the 15/3/2024 at Chepsienya village Chepkube Sub- location, Chepkube location in Cheptais Sub-County within Bungoma County jointly with another before court caused the unlawful death of Moses Miruni Kundu.
3. After the facts were read to the 1st, 2nd & 3rd accused persons they admitted the facts as true and each acknowledged that the facts as read is what happened. Thereafter, this court convicted 1st, 2nd & 3rd accused persons on their own plea of guilt. This court thereafter sought a pre-sentence report on each accused person.
4. Metrine Nanjakho Miruni is 36 years old and was the 3rd wife of the deceased. She is the daughter of the 2nd accused. Her report isn't favorable. The victim's family is all bitter and recommends a stiff sentence. She pleads for leniency. The report states that she orchestrated the death of her husband and even paid the killers.



5. Dorice Nakami Waswa is the 2nd accused. She is 51 years. She pleads leniency and denies that she had anything to do with the deceased's death. Her report too is unfavorable.
6. Movat Situma Wamusayi is 28 years old. He is a first offender. The report indicates he played a role in ending the victim's life.
7. I have also considered the mitigation raised by counsel for the accused persons. The accused persons are 1st offenders and they are remorseful and that they have been in custody since the arrest. The 2nd accused was cooperative and took herself to the police. They have families. According to counsel the 2nd accused played a very minor role.
8. I have considered all the above including the facts as read and which were admitted by each accused person. The law provides for a life sentence for the offense of manslaughter. The circumstances of the case revealed a very brutal act. The deceased suffered a painful death, he was literally slaughtered. All the accused persons herein played a role in the deceased's death. It cannot be said that one of them played a minor role.
9. I have considered their plea that they are 1st offenders, including the views of the victim's family and the guidelines on sentencing. I therefore sentence the 1st, 2nd and 3rd accused to imprisonment.
10. Each accused person will serve thirty-five (35) years imprisonment. The period they have been in remand will be taken into account whilst computing their sentence.

DATED, SIGNED AND DELIVERED AT BUNGOMA ON THIS 8TH DAY OF NOVEMBER 2024.

R. E. OUGO,

JUDGE.

In the presence of :

1st Accused/ Metrine Nanjakho Miruni - Present

2nd Accused/ Dorice Nakami Waswa - Present

3rd Accused/ Movat Situma Wamusayi – Present

Miss Komora h/b Mr. Okaka for the accused persons

Miss Kibet For the ODPP/ Prosecution

Wilkister - Court Assistant

