



**Republic v Mwangi (Criminal Case E004 of 2023)  
[2024] KEHC 16039 (KLR) (Crim) (17 December 2024) (Sentence)**

Neutral citation: [2024] KEHC 16039 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYANDARUA  
CRIMINAL  
CRIMINAL CASE E004 OF 2023  
CM KARIUKI, J  
DECEMBER 17, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**BONIFACE KURIA MWANGI ..... ACCUSED**

**SENTENCE**

1. Boniface Kuria Mwangi is charged with the offense of murder contrary to Section 203 as read with Section 204 of the *Penal Code* (Cap 63 of the Laws of Kenya).
2. Particulars are that on 29/12/2023 in Huhoini shopping centre, Gathanji Sub-county within Nyandarua County murdered Simon Kingori Mwangi
3. Upon pleading not guilty, a plea bargain process was commenced, culminating with an agreement between the prosecution and accused whereby a charge of manslaughter was lodged and substituted murder with the leave of the court.
4. The accused pleaded guilty to the lesser offense of manslaughter, and thereafter, facts were read as follows:

“The facts are that on the 25<sup>th</sup> December 2023, the accused person spent the whole day with his brother, the deceased, trimming trees belonging to Elijah Mahianjo from 0800hrs to 1400hrs. Afterward, they both went home and slept until the evening. When they woke up and were now in the company of their other brother, Biden Karoki, to meet with, they proceeded to Saba pub at Huhoini Centre Elijah Mahianjo's son, who paid them for the day's wages. After being paid, they went into the pub and began drinking. After a few



minutes, both the deceased and the accused person went outside to have a private talk, and later, the deceased returned to the pub looking angry, and so did the accused person.

The accused explained to Biden Karoki that the waitress in the club was his girlfriend, but the deceased was interested in her. Later, the accused went home, leaving the deceased with Biden Karoki. After a few drinks, they both went home, and on reaching, the accused insisted he wanted to talk to the deceased against the advice of Biden. The accused went to the house of the deceased and insisted they talk, but the deceased decided to go to their mother's home to report him for disturbing his peace at night. While at their mother's house and still arguing, the accused person stabbed the deceased with a knife that was in his possession. On seeing the blood, the accused ran away, leaving the deceased screaming. The noise attracted their brother Biden, who assisted in taking the deceased to Nyahururu Referral Hospital, where the deceased unfortunately succumbed.

A post-mortem was later conducted on the deceased's body by Dr. Felix Masongo on the 2<sup>nd</sup> January 2023, who opined that the cause of death was hypovolemic and cardiogenic shock secondary to massive leukopenia/hemothorax/hemothorax(left), following a right ventricular traumatic laceration from stablbing.

The accused was arrested on 29<sup>th</sup> January 2023 and subsequently charged with the offense of murder, which has now been reduced to manslaughter to which offense she has now pleaded guilty to an offense of murder is now being substituted with that of manslaughter after a successful plea bargain."

5. The facts disclose that the victim and the accused are brothers and that the anger between the two was generated by the deceased (victim) showing interest in the waitress, who was the Accused's girlfriend.
6. The quarrel between the two made the victim report to their mother as the accused was disturbing the victim's peace. It was on that note that the two argued, and the accused stabbed the victim and then ran away, leaving his brother for the dead, and thus he succumbed in Nyahururu Referral Hospital.
7. It is not shown that the victim ever attacked the accused to warrant a stab with the knife, which stab killed the victim.
8. This type of behavior has to be deterred and discouraged.
9. The court notes the mitigation and even the plea from the accused mother and the sibling. Also, he is a first offender and has saved court time.
10. However, the court is not willing to award a probation sentence in view of the facts disclosed.
11. This was a borderline case between murder and manslaughter, which, if it went full trial with facts disclosed, could as well have graduated into murder or serious manslaughter offense...
12. Thus, the court doing the best it can and having considered the mitigation factors and the report (PCR) of the Probation Officer plus the contents of the sentencing policy guidelines, I award the accused;
  - i. The accused is sentenced to Three (3) years imprisonment.

**RULING ON SENTENCING, DATED, SIGNED, AND DELIVERED AT NYANDARUA THIS 17<sup>TH</sup> DAY OF DECEMBER 2024**

.....

**C. KARIUKI**



**JUDGE**

