



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NO. 81 OF 2010

REPUBLIC.....PROSECUTOR

VERSUS

GEOFFREY MWANGI MURIUKI.....ACCUSED

RULING ON SENTENCE

1. In a judgment dated 22nd June, 2018, Geoffrey Mwangi Muriuki (“Accused Person”) was convicted of the offence of murder contrary to section 203 as read together with section 204 of the Penal Code.

2. The circumstances in which the offence was committed emerge from the Judgment. On 22/07/2010, the Accused met the Deceased, Paul Kiprono, in Nakuru town. The Accused was accompanied by one Dennis Kiprono (who died in the course of the trial) while the Deceased was accompanied by Robert Kibet Langat (who testified as PW1). The Accused wanted the Deceased and Robert Langat to go assist them in manufacturing fake currency notes in his house in Mwariki Estate.

3. Together, the four of them engaged in the task of manufacturing fake currency notes but at around 9:00pm, the Deceased and Robert Langat wanted to leave. That led to a quarrel with their host, the Accused Person. The Accused Person then started beating the Deceased and Robert Langat with wooden planks and ordered Dennis Kiprono to do the same. Robert Langat escaped death by running back into the Accused Person’s house and locking himself inside. He sustained serious injuries including a fractured leg. He was rescued by Police who were on regular patrol.

4. The Deceased was not as lucky. By the time the Police arrived at the scene, he was already in a bad state. He succumbed to his injuries as he was being escorted to Nakuru Level 5 Hospital. According to the pathologist, the cause of death was severe head injury attended by multiple skull bone fractures and haemotoma due to force fracture to the head. The Deceased’s body had multiple bruises over the scalp and the forehead as well as tears and lacerations to the hands and legs.

5. Mr. Mongeri submitted in mitigation on behalf of the Accused Person. He raised the following points as mitigating factors the Court should bear in mind in pronouncing sentence:

- a. First, that the Accused Person is fully reformed – and that the Social Inquiry Report filed in Court amply demonstrates this.
- b. Second, that the Accused Person is married to two wives and has five children of tender years. Both wives are housewives and the Accused Person was the sole bread winner.
- c. Third, that the Accused Person was involved in a serious Road Traffic Accident during the pendency of the case. As a result, he got a major injury to his intestines which has led to a big swelling on his stomach. The Court was able to view the swelling.
- d. Fourth, that the Accused Person was in remand for six years before he afforded bail.
- e. Lastly, that the Accused Person is remorseful.

6. Mr. Mongeri proposed that the Court considers non-custodial sentence.

7. That proposal was vehemently opposed by the family of the Deceased who were represented in Court by Mr. Ombati. Mr. Ombati informed the Court that the Victim’s family was still traumatized by the death – especially by the nature of injuries inflicted on the Deceased. The family recommended a stiff prison sentence.

8. I have considered all the extenuating circumstances listed by Mr. Mongeri and, especially, the health complications the Accused Person faces. However, I have also had to consider the following aggravating factors:

- a. That the homicide was committed in the midst of commission of another serious felony – manufacture of fake currency;
- b. That there was a second victim to the violence – who, luckily, escaped death narrowly;
- c. That the family of the victim – and the secondary victim, Robert Langat – strongly recommend severe custodial sentence.

9. Consequently, in my view, a fit sentence that properly balances the mitigating circumstances with the aggravating circumstances is a sentence of ten years imprisonment. In coming up with this global sentence, I have considered the period the Accused Person was in custody during the pendency of the case

10. Accordingly, I sentence the Accused Person to ten years imprisonment to be computed starting today.

11. Orders accordingly.

Dated and delivered in Nakuru this 18th day of October, 2018

.....

JOEL NGUGI

JUDGE