



**Republic v Muthiani (Criminal Case 7 of 2019)
[2025] KEHC 13595 (KLR) (29 September 2025) (Sentence)**

Neutral citation: [2025] KEHC 13595 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CRIMINAL CASE 7 OF 2019
AN ONGERI, J
SEPTEMBER 29, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

CHRISTOPHER MUSYOKA MUTHIANI RESPONDENT

SENTENCE

1. The Accused person in this case, Christopher Musyoka Muthiani alias Kimondolo was convicted with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code Cap 63 Laws of Kenya.
2. The particulars of the offence were that the Accused Person Christopher Musyoka alias Kimondolo murdered Julius Muthiani Musyoka on a or about the 11th June 2019 within Taita Taveta County.
3. The Probation Officer filed a pre-sentence report in which he said that the Accused Person father and mother died in the years 2011 and 2019 respectively leaving behind 6 siblings after 3 died. The family owns five acres of land which has been a source of conflict.
4. The Accused Person is the last born and has been abusing drugs and alcohol. Although the siblings are willing to forgive the Accused Person, the wife of the deceased is still bitter.
5. The deceased was the brother of the Accused Person. The wife of the deceased has expressed fear for her life.
6. The Accused Person and the deceased had been involved in a long standing dispute over the ownership and use of the family land.
7. The Learned Counsel for the Accused Person gave mitigation on behalf of the Accused Person.



8. The Learned Counsel said the Accused Person denies commission of the offence but he accepts the verdict of the court.
9. Further that the Accused Person has been in custody since 24th June 2019 when he was arraigned in court.
10. The Learned Counsel asked for a lenient sentence considering the Accused Person's advanced age of 51 years.
11. This court has considered the mitigation given on behalf of the Accused Person together with the contents of the pre-sentencing report and the circumstances of this case.
12. It is noted with concern that the Accused Person is not at all remorseful for the offence he committed.
13. Although the evidence against him was circumstantial, the same is water tight and leaves no doubt that the Accused Person killed his brother. The motive was unresolved land disputes.
14. The Accused Person is the last born in his and has a history of abusing drugs and alcohol. Although the siblings are willing to forgive the Accused Person, the wife of the deceased remains bitter and has expressed fear for her life.
15. It is a significant aggravating factor that the deceased was the brother of the Accused Person.
16. The court notes that the Accused Person and the deceased had been involved in a long-standing dispute over the ownership and use of the family land, which appears to have been the motive for this crime.
17. The Learned Counsel for the Accused Person presented mitigation on his behalf.
18. The Learned Counsel stated that the Accused Person denies commission of the offence but accepts the verdict of the court.
19. It was further submitted that the Accused Person has been in custody since 24th June 2019 when he was first arraigned in court.
20. The Learned Counsel asked for a lenient sentence, citing the Accused Person's advanced age of 51 years.
21. This court has carefully considered the mitigation given on behalf of the Accused Person, the contents of the pre-sentencing report, and the circumstances of this case.
22. It is noted with considerable concern that the Accused Person is not at all remorseful for the offence he committed.
23. Although the evidence against him was circumstantial, this court found it to be watertight, leaving no doubt that the Accused Person killed his brother.
24. The motive was an unresolved land dispute, a matter which should have been pursued through legal channels rather than violent self-help.
25. The sanctity of human life is a fundamental value, and the brutal killing of a sibling over property is a grave crime that shocks the moral conscience of the community.
26. The court has a duty to impose a sentence that reflects the seriousness of the offence, promotes respect for the law, and deters others from resolving personal or familial disputes through violence.
27. Consequently, a non-custodial sentence is utterly inappropriate. Taking into account the time already spent in custody, a deterrent sentence is hereby imposed.



28. The Accused Person is therefore sentenced to FORTY (40) years imprisonment. The sentence shall run from the date of his arrest, 24th June 2019.
29. Right of appeal (14 days) explained.

DATED, SIGNED AND DELIVERED THIS 29TH DAY OF SEPTEMBER, 2025 IN OPEN COURT AT VOI.

ASENATH ONGERI

JUDGE

In the presence of:-

Prosecutor: Mr. Ngigi

Court Assistant: Millicent/Mabishi

Mr. Mosioma for the Accused Person

The Accused Person present at Manyani G.K Prison

