



**Republic v Mwaniki (Criminal Case E898 of 2025)
[2025] KEMC 139 (KLR) (3 June 2025) (Ruling)**

Neutral citation: [2025] KEMC 139 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
CRIMINAL CASE E898 OF 2025
PA NDEGE, SPM
JUNE 3, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

DAVID KURIA MWANIKI ACCUSED

RULING

1. The accused person herein, David Kuria Mwaniki, has been convicted upon own plea of guilty of the offences of House Breaking contrary to Section 304 (1) of the [Penal Code](#) and Stealing contrary to Section 279 (b) of the same [Code](#). He has admitted that on diverse dates between 01st April and 28th April 2025, at Madaraka Estate, within Murogi Area, in Nakuru East sub- County within Nakuru County, he broke and entered into the dwelling houses of Elizabeth Njeri Mwaniki with intent to steal therein and stole 4 complete windows, electrical meter, meter box, wiring of both houses, 3 water traps, 10 drainage pipes, and 4 door locks, all worth Kshs. 450,000/=, the property of the said Elizabeth Njeri Mwaniki.
2. He is not a first-time offender as records of 2 previous convictions in Nakuru CR E2903/2023 where he was convicted of the offence of House Breaking and sentenced to serve 2 years' probation, and Nakuru CR E1420/2024 where he was again convicted for similar offences and sentenced to 2 years' probation, were furnished by the prosecution and admitted by the accused. The accused despite admitting the previous convictions, prayed for leniency as he is the bread winner of his family that depends on him.
3. I have looked at the value of the subject matter herein and the fact that the accused has two previous convictions of similar offences wherein in each, he was to serve non-custodial sentences. This shows that the accused person herein cannot change and need to be temporarily removed form the society so that he may be adequately reformed or corrected. It appears that the probation officers and the society have failed in their bid to reform or correct him. The accused person has however pleaded guilty and has thus saved the court's time.



4. Considering the above factors and the principles of sentencing of proportionality as enshrined in the Sentencing Policy Guidelines of 2023, I do hereby sentence the accused person to 3½ years imprisonment for the offence of House Breaking c/s 304 (1) of the Penal Code; and 7 years imprisonment for the offence of Stealing c/s 279(b) of the same Code. The sentences to run concurrently.

14 days Right of Appeal explained

DATED, SIGNED AND DELIVERED AT NAKURU IN OPEN COURT THIS 3RD DAY OF JUNE 2025

ALOYCE-PETER-NDEGE

SENIOR PRINCIPAL MAGISTRATE

In the presence of;

Court interpreter-

Prosecution counsel-

Defence counsel-

Accused-

Victims:

