



**Republic v Muthomi & 6 others (Criminal Case E064 of 2022)
[2025] KEHC 15060 (KLR) (23 October 2025) (Sentence)**

Neutral citation: [2025] KEHC 15060 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE E064 OF 2022
HM NYAGA, J
OCTOBER 23, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

**CATHERINE MUUNGU MUTHOMI 1ST ACCUSED
DAVID MUTHOMI 2ND ACCUSED
ERICK MUTUMA 3RD ACCUSED
JOSECK MWENDA 4TH ACCUSED
DALIUS MUGENDI 5TH ACCUSED
PATRICK KARANI 6TH ACCUSED
FAUSTU MUTEMBEI 7TH ACCUSED**

SENTENCE

1. I have considered the circumstances that led to the death of the deceased, the submissions on sentence, the mitigation by each accused and the pre-sentence reports.
2. Since the decision in Francis Karioko Muruatetu & 2 Others Versus Republic (2017) eKLR, the position in law now is that death sentence prescribed for Murder under Section 204 of the Penal Code is not mandatory.
3. Contrary to popular belief, the death sentence is Constitutional and a Court may, where the circumstances so dictate impose the same.
4. In the instant case, the accused administered their own form of injustice on the deceased, on the allegation that he had stolen crops from the land that he had leased to the 1st accused, not content with



just assaulting the deceased, they proceeded to set him ablaze. This was despite the fact that they knew the deceased. The deceased must have endured a painful death.

5. Even though, the accused have pleaded for leniency, the court cannot forget that this was an intentional act on their part.
6. Having considered all factors, I sentence each accused person to Twenty (20) years imprisonment, with the sentence deemed to commence on 26th June, 2025, when they were remanded in custody after conviction.

Right of appeal is explained.

DATED, SIGNED AND DELIVERED AT MERU THIS 23RD DAY OF OCTOBER, 2025.

H. M. NYAGA

JUDGE.

