



**Republic v Mwithalie (Criminal Case E073 of 2022)  
[2025] KEHC 14825 (KLR) (15 October 2025) (Sentence)**

Neutral citation: [2025] KEHC 14825 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
CRIMINAL CASE E073 OF 2022  
SM GITHINJI, J  
OCTOBER 15, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**NETO KIBURI MWITHALIE ..... ACCUSED**

**SENTENCE**

1. The mitigating factors are that:-  
The accused has pleaded guilty out of a plea-bargain process which entitles him to a good discount on sentence.
2. The circumstances also show that both the accused and the victim could have been drunk as the quarrel began in a bear taking joint where they were both drinking.  
In addition, both of them were armed with C-line pangas.
3. Others are as stated by his counsel that he is relatively young, remorseful, have served a period of about 3 years in remand and prays for leniency.  
Aggravating factors are that:-
4. The accused was the aggressor and when deceased ran away, he pursued him and fought him to death.
5. The offence is serious and carries on the upper side a death sentence and such need be reflected in the sentence meted for the offence. Also that the offence is prevalent in this region and need be discouraged.
6. Having reflected on all the above factors and the fact that accused proposes 5 years imprisonment and prosecution 20 years imprisonment, I find that the sentence which will serve the ends of justice, is 15 years imprisonment; sentence to run from 7<sup>th</sup> November, 2022 the date of his arrest.

**DATED AND DELIVERED AT MERU THIS 15<sup>TH</sup> OCTOBER, 2025**



**S.M. GITHINJI**  
**JUDGE**

