



**Republic v Amonga & 2 others (Criminal Case 11 of 2018)
[2025] KEHC 15861 (KLR) (6 November 2025) (Sentence)**

Neutral citation: [2025] KEHC 15861 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL CASE 11 OF 2018
CW GITHUA, J
NOVEMBER 6, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

EVERLYN SONIA AMONGA 1ST ACCUSED

BENSON MACHARIA KURIA 2ND ACCUSED

ANTHONY MUTHOMI JULIA 3RD ACCUSED

SENTENCE

1. The two accused persons, Benson Macharia Kuria and Anthony Muthomi Julia were charged jointly with two others with the offence of murder Contrary to Section 203 as read with Section 204 of the [Penal Code](#).
2. The court record shows that in the course of the trial, the 3rd accused was discharged after the prosecution withdrew the charges against him while the 1st accused was convicted on her own plea of guilty for the lesser offence of manslaughter under a plea bargain agreement dated 28th February 2024. She was sentenced to serve 15 years imprisonment.
3. The two accused persons subject of this ruling also entered into a plea bargain agreement dated 11th March 2025 and 12th March 2025 respectively on the basis of which they were each convicted on their own plea of guilty with the offence of manslaughter Contrary to Section 202 as read with Section 205 of the [Penal Code](#).
4. The particulars supporting the charge were that on 19th March 2018 at Ciumbu Trading Centre in Murang'a South within Murang'a County, jointly with others not before the court, they unlawfully caused the death of David Nzina Mutunga.



5. The brief facts of this case are that on 19th March 2018 at 6.00 a.m. the body of the deceased was found lying outside the residential plot in which he used to reside. Police were notified and investigations started.
6. In the course of investigations, his wife (Accused 1) who was the first suspect was arrested and subsequently, the deceased's phone was recovered in the possession of one Dominic Gikonyo who had bought it from the 2nd accused Benson Macharia who had in turn allegedly bought it from the 4th accused Antony Muthomi Julia. The phone was produced in court as P. Exhibit 1.
7. The accused persons were suspected to have been involved in the death of the deceased since they had handled a phone which had been stolen from him at the time he was killed. They were arrested and charged with the offence of murder which, as stated earlier, has been substituted with the lesser offence of manslaughter.
8. An autopsy conducted on the deceased's body established that the cause of death was severe haemorrhage due to multiple penetrating injuries due to sharp force trauma (Stab wounds)- See the post-mortem report dated 28th March 2018.
9. When pleading to the facts of the case, the following is what each accused person said:
Accused 2 – “The facts are true. I participated in the killing of the deceased. I am one of the two men who were hired by accused 1 to kill the deceased”
Accused 4 – “I also admit the facts of the case. I admit I committed the offence. I am one of the two men who were hired by accused 1 to kill the deceased”
With the above admissions, there is no room for doubt that the accused persons actually committed the offence as charged.
10. In her plea in mitigation on behalf of the 2nd accused, learned counsel Ms Macharia urged the court to exercise leniency and consider a non-custodial for the 2nd accused on grounds that he was a young family man with school going children and that he suffered from a chest condition.
11. On his part, learned counsel Mr. Mwangi on behalf of the 4th accused submitted that the accused was remorseful and that as he had plea bargained and saved the court's time, he deserved leniency from the court. Counsel also urged the court to consider the seven years the accused had spent in lawful custody.
12. I have carefully considered the facts of the case and the pleas in mitigation offered on behalf of each accused and the fact that each accused was a first offender. I have also considered the contents of the pre - sentence reports filed in respect of each of the accused person. The reports show that the 2nd and 4th accused were 24 and 29 years respectively and contrary to the submissions made by Ms. Macharia, the report filed in respect of the 2nd accused shows that he was not a family man. He was not married and he did not have any children.
13. When considering an appropriate sentence to mete out against an offender, the court is enjoined to consider several factors which includes the offender's previous records, if any; the nature and seriousness of the offence; the circumstances in which the offence was committed; the moral blameworthiness of the offender and all other aggravating and mitigating circumstances.
14. The offence of manslaughter is a grave offence which attracts a maximum penalty of life imprisonment. The accused persons have sought leniency from this court but given their admission regarding how they killed the deceased in this case, am convinced that they do not deserve any mercy from this court. They mercilessly beat the life out of the deceased for a song. They demonstrated total lack of respect



and value for human life. They must now accept the consequences of their unlawful action through which an innocent life was lost which cannot be replaced.

15. Having considered both the aggravating and mitigating circumstances in this case, I am satisfied that a custodial sentence is appropriate in this case. I however think that the culpability of the accused persons cannot be equated to that of the 1st accused and consequently, I hereby sentence each accused to serve 10 years imprisonment.
16. Considering that the accused persons were in lawful custody throughout the trial, the sentence imposed on the 2nd accused shall run from 6th June 2018 while that for the 4th accused shall run from 18th June 2018 being the respective dates on which they were first arraigned in court.

It is so ordered.

DATED, SIGNED AND DELIVERED AT MURANGA THIS 6TH NOVEMBER 2025.

HON. C. W. GITHUA

JUDGE

In the presence of:

Both Accused

Ms Muriu for the State

Ms Macharia for the 2nd Accused

Mr. Mwangi for the 4th accused

Ms Susan Waiganjo, Court Assistant

