



**Republic v Kimiri (Criminal Case 49 of 2016)  
[2025] KEHC 16005 (KLR) (6 November 2025) (Sentence)**

Neutral citation: [2025] KEHC 16005 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL CASE 49 OF 2016  
JM NANG'EA, J  
NOVEMBER 6, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**DAVID CHEGE KIMIRI ..... ACCUSED**

**SENTENCE**

1. David Chege Kimiri (“the Convict”) was on 15<sup>th</sup> July 2025 convicted of murdering the deceased herein (Rahab Wambui Muchiri). The court then called for pre-sentence report from the Probation Officer which has been duly filed. The parties proceeded to offer their pre-sentence submissions orally.
2. Learned Counsel for the Convict (Mr. Opar) told the court that his client is an orphan and has dependent children. Counsel conveys the Offender’s remorse while observing that the death was perpetrated as a result of intoxication. The deceased’s family is said to have agreed to forgive the Convict who is a first Offender.
3. The Republic through Mr. Wakasyaka (Prosecution Counsel) briefly replied, urging the court to consider the serious circumstances attending the deceased’s demise. Considering the loss of life occasioned, a deterrent sentence is recommended.
4. I have considered the Counsel submissions and also perused the Probation Officer’s Report dated 29<sup>th</sup> July 2025. The Convict who is 38 years old is reported to be remorseful and he and his family have reconciled with the deceased’s family which is unopposed to a lenient sentence. The general community from which both the Convict and the deceased hail, positively appraise him too, save for his drinking habits. As stated by the Defence Counsel, the Probation Report further notes that the Convict and the deceased might have been drunk at the material time.
5. For the stated reasons and/or observations the Probation Officer leaves the matter to the court’s discretion.



6. I have taken all relevant factors, extenuating and aggravating, into account as guided by the principles enunciated in the famous Supreme Court case of Francis Karioko Muruatetu and the Judiciary Sentencing Guidelines, 2023. Among the factors considered in sentencing are the age and antecedents of the offender; the circumstances in which the offence was committed and the views of the victim.
7. Although the Convict has no other criminal antecedents and he is willing to reconcile with the deceased's family, he caused loss of life for which he must be punished. The fact that the two families have reconciled is, however, a strong mitigating factor.
8. Taking all the relevant circumstances into account, the Convict is hereby sentenced to 5 (five) years in prison. As he would be advised by his Legal Counsel, he has 14 days to appeal the conviction and sentence.

**J. M. NANG'EA, JUDGE.**

**DELIVERED THIS 6<sup>H</sup> DAY OF NOVEMBER, 2025 IN THE PRESENCE OF:**

Mr. Wakasyaka for the Republic

Mr. Opar Advocate for the Convict

Court Assistant (Jeniffer)

