



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Murithi (Criminal Case E001 of 2022)
[2025] KEHC 16100 (KLR) (5 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16100 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE E001 OF 2022
SM GITHINJI, J
NOVEMBER 5, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

PATRICK MURITHI ACCUSED

RULING

1. We are at the point we are today in this matter out of a plea –bargain process which entitles the accused by itself to a good discount on sentence.
2. I have considered the circumstances of the offence where the quarrel happened in a bar with possibility that the accused and the victim were drunk. The victim was the first to attack the accused with a weapon, a stone, on the forehead. The accused in reiteration attacked him with a stick once on the forehead, a fatal blow that caused his death. It was at the heat of the moment, with no intention to kill, of which is a strong mitigating factor.
3. I have also considered that the accused has been in custody since his arrest on 19/12/2021, which is a period of almost 5 years.
4. In my view, given the foregoing circumstances a sentence of about 10 years imprisonment would have been appropriate, and considering the period spent in custody, 5 years imprisonment proposed by defence would serve the ends of justice. The accused is therefore sentenced to serve 5 years imprisonment, starting today the 5th day of November, 2025.

S.M. Githinji

JUDGE

5/11/2025

COURT: The matter is still pending for 2nd accused person.



Hearing on 25/5/2025 for the 2nd accused person.

5. Mr. Wamache - We can have also a mention to see whether we can plea bargain.

Court: Mentions On 1/12/2025.

Dated And Delivered At Meru This 5th Day Of November, 2025

S.m. Githinji

Judge

R U L I N G

6. This is an old matter of the year 2018. We have heard only one witnesses and that was 12/5/2005. On 11/6/2025, I gave directions that witnesses be summoned and if they will not be inclined to attend the Investigating Officer effects warrant against them. I also expresses that any further adjournment will be on weight, extra ordinary grounds.
7. It is noticeable that the accused person is in remand. He is blind and as he stated on 11/6/2025 he is also experiencing hearing problems. He must be undergoing “hell on earth” experience in prison given his disability. He has not kept himself in prison but has been kept. For 7 years, he has been waiting for evidence to be called but in vain, save for the one witnesses. What has a beginning should have an end. Justice should not be inordinately delayed, as justice delayed is justice denied. The prosecution have been given more than sufficient opportunities to prosecute the charge fully and have failed to. They deserve no more chance. The application lacks merit and is hereby declined.

S.M. Githinji

Judge

5/11/2025

8. Ms. Adhi - I pray for a mention date to enter a Nolle Prosequi. If the court decides otherwise. I close our case.

Court

9. The request for another date for Nolle Prosequi to be entered will see the accused suffering more in prison and also standing a chance of re-arrest and re-charge.
10. In the circumstances of this case, he deserves immediate and total freedom. Having decided against Nolle Prosequi, the prosecution case stands closed.
11. One witness was called and his evidence does not connect accused to the offence. There is no evidence as to the cause of death of the deceased. The evidence in short does not disclose a prima facie case against the accused person and he is therefore acquitted of the offence under Section 210 of the C.P.C.

DATED AND DELIVERED AT MERU THIS 5TH DAY OF NOVEMBER, 2025

S.M. GITHINJI

JUDGE

