Republic v Kisiangani (Criminal Case 51 of 2023)
[2025] KEHC 17360 (KLR) (25 November 2025) (Judgment)

Neutral citation: [2025] KEHC 17360 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT KIBERA

CRIMINAL CASE 51 OF 2023

DR KAVEDZA, J

NOVEMBER 25, 2025

BETWEEN

REPUBLIC ..... PROSECUTOR

AND

TRIZAH CHEMUTAI KISIANGANI ..... ACCUSED

JUDGMENT

1. The accused, Trizah Chemutai Kisiangani, was charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code, cap 63, laws of Kenya. The particulars are that on the 16th -17th September 2023 at Kangemi Gishagi area within Dagoretti sub county in Nairobi County murdered Alvin Memba Kakai.

2. The accused pleaded not guilty to the charge. However, following successful plea negotiations with the state, the accused pleaded guilty to a lesser charge of manslaughter and signed a plea agreement on 17th December 2024. The accused was therefore charged with the offence of manslaughter contrary to section 205 of the Penal Code cap 63 Laws of Kenya.

3. The brief facts, as outlined in the plea agreement, are as follows. On the night of 16th to 17th September 2023, the deceased, Alvin Memba Kakai, aged 19 years, and the accused were at their shared residence within Kangemi Gishagi Area, Nairobi County, when a domestic disagreement escalated, culminating in the death of the deceased. The deceased and accused had been in a romantic relationship and cohabiting as husband and wife since 4th August 2023.

4. On 16th September 2023, at approximately 2100 hours, the deceased returned home from work. The accused was preparing dinner when the deceased requested his mobile phone, which they had been sharing due to the accused's phone being non-functional. The accused complied, after which the deceased left for his cousin's house within the same plot. At his cousin's residence, the deceased, Michael Wanjala, explained that he had an issue with his wife and sought mediation.

5. Subsequently, the deceased returned to his home with his cousin. After supper, he revealed that he suspected the accused of infidelity, having discovered WhatsApp messages between her and other men. He expressed his desire to end the relationship and asked the accused to leave. The accused, however, requested a pregnancy test before parting ways. On the cousin's advice, they agreed to conduct the test the following day.

6. Later that night, at around midnight, a confrontation occurred between the accused and the deceased, during which the accused stabbed the deceased with a kitchen knife. The deceased attempted to leave the house but collapsed outside house number 7 and succumbed to his injuries. Neighbours at the scene promptly contacted the police, who arrived, arrested the accused, and booked her at Kabete Police Station. The deceased's body was transported to the City Mortuary.

7. At the scene, the police recovered a blood-stained kitchen knife and a pair of blood-soaked white sports shoes belonging to the accused. Detective Nyaga subsequently escorted the exhibits, along with samples of the deceased's blood and nail clippings, to the Government Chemist for analysis. The deceased's father, Isaak Kakai, and his cousin, Emmanuel Sikuku, identified the body prior to the post-mortem examination.

8. The post-mortem report, dated 26th September 2023, concluded that the cause of death was exsanguination secondary to chest injuries, consistent with penetrating sharp force trauma. The evidence establishes that the deceased's death resulted directly from the stab wounds inflicted by the accused during the domestic altercation.

9. A psychiatric assessment confirmed she was fit to stand trial.

10. Upon reading the facts to the accused and after confirming that the plea-bargaining process was voluntary, that the accused's constitutional rights had not been violated during the negotiation process, and further that she was not coerced, the court accepted the plea agreement and convicted the accused accordingly.

11. In mitigation, Mr. Rasingu for the accused submitted that the accused was a single mother, had expressed remorse and apologised to the deceased's family. While in remand, she underwent counselling and asserts she can manage disputes responsibly. There was no premeditation. She pleaded guilty to manslaughter and has no previous convictions. The accused comes from a troubled background, having suffered abuse and neglect, and has shown reformation during her four years in remand. Her family, though fractured, has expressed willingness to reconcile and support her rehabilitation.

12. Ms. Timoi for the prosecution acknowledged the accused's plea and remorse but emphasized the gravity of the loss. The deceased was a 19-year-old, a Form Four leaver preparing for further studies, and a single father of a four-year-old child. His family has been affected psychologically by his death. Dialogue and reconciliation between the parties were attempted, but the accused's guardians were largely absent or uncooperative.

13. In considering sentence, the Court is urged to weigh both the need for justice and the prospects for rehabilitation. The accused's youth, first-time offender status, genuine remorse, and efforts at reconciliation are relevant mitigating factors. The circumstances reflect a tragic domestic dispute rather than premeditated violence. The sentence must therefore balance accountability with the opportunity for transformation, acknowledging the profound loss suffered by the deceased's family while recognising the accused's potential for rehabilitation.

14. The probation report indicates that the deceased, Alvin Memba Kakai, was a 19-year-old youth and a Form IV leaver of 2022. He had intended to enroll at Kabete Polytechnic but delayed due to financial

constraints. He was a father to a four-year-old girl, born from a previous relationship, and was interred on 29th September 2023 at his father's home in Webuye. His parents have suffered immense emotional and psychological trauma from his sudden death and seek reconciliation and compensation from the offender's family, expressing that no sentence can restore their son.

15. Community inquiries in Gishagi, Kangemi, revealed that the offender, aged 23, is known at her rural home. She comes from a dysfunctional family, with separated parents, a deceased mother, and an absent father. She has no prior criminal record but was raised in a vulnerable environment with exposure to alcohol and neglect. The investigating officer noted that the offence arose from a romantic dispute and was not premeditated, supporting consideration of a non-custodial sentence.

16. The offender is a mother to a four-year-old boy, left in the care of his father, and is a Class Seven school dropout with no vocational skills. Her adolescence was marked by hardship, including defilement, parental neglect, and exposure to domestic violence, factors contributing to her anti-social tendencies. She pleaded guilty to manslaughter, demonstrates remorse, and seeks leniency. The offence arose from a brief romantic relationship, exacerbated by accusations of infidelity, resulting in the tragic death of the victim.

17. The probation report highlights that the offender's actions arose from a domestic dispute and were not premeditated. She is a first-time offender, remorseful, and has a troubled background marked by neglect, abuse, and limited education, which contributed to her anti-social behaviour. The victim was young, leaving behind a child, and his family has suffered significant trauma. Community and investigative input support leniency, suggesting that a rehabilitative or non-custodial sentence could balance justice with the offender's potential for reform, while acknowledging the gravity of the loss suffered by the victim's family.

18. Having considered the plea agreement, the circumstances surrounding the offence, the probation report, and the impact on the victim's family and the community, it is clear that this was a grave and senseless act of violence. The accused, while showing some remorse through her plea, acted with extreme aggression, causing the death of the deceased with whom they had a romantic relationship with. Her actions were not only criminal but deeply traumatising to the victim's family.

19. The penal section for the offence of manslaughter is contained in section 205 of the Penal Code, which provides: -

    Any person who commits the felony of manslaughter is liable to imprisonment for life.

20. The Court of Appeal in Thomas Mwambu Wenyi v Republic (2017) eKLR cited the decision of the Supreme Court of India in Alistar Anthony Pereira v State of Mahareshtra at paragraphs 70-71, where the court held as follows on sentencing:

> "Sentencing is an important task in the matter of crime. One of the prime objectives of the criminal law is imposition of appropriate adequate, just and proportionate sentence commensurate with the nature and gravity of crime and the manner in which the crime is done. There is no straight jacket formula for sentencing an accused person on proof of crime. the courts have evolved certain principles: twin objective of sentencing policy is deterrence and correction. What sentence would meet the ends of justice depends on the facts and circumstance of each case and the court must keep in mind the gravity of the crime, motive for the crime nature of the offence and all other attendance circumstances. The principle of proportionality in sentencing a crime doer is well entrenched in criminal jurisprudence, As a matter of law, proportion between crime and punishment bears most relevant influence in determination of sentencing the offender. The court has to take into consideration all

aspects including Social interest and consciousness of the society for award of appropriate sentence"

21. I have considered the seriousness of the offence, the sentencing principles of proportionality, deterrence, and rehabilitation, and the views expressed by the victim's family and community. The violent death of a son has left lasting emotional and economic harm to his family.

22. The Court must mark the value of life and make it clear that such acts of violence will not be excused. The offender's plea and willingness to reform are noted, but they do not outweigh the severity of the harm caused. A custodial sentence is necessary to reflect public interest in justice and to deter similar conduct.

23. In my view, imprisonment will also provide the offender with access to structured rehabilitation, helping address the factors that contributed to the offence.

24. In the circumstances, I would have imposed a sentence of thirty (30) years. However, the offender is entitled to a reduction for pleading guilty. I therefore sentence Trizah Chemutai Kisiangani to ten (10) years imprisonment. The sentence shall run from 17th September 2023, the date of her arrest pursuant to section 333(2) of the Criminal Procedure Code.

    Orders accordingly.

JUDGEMENT DATED AND DELIVERED THIS 25TH DAY OF NOVEMBER 2025

D. KAVEDZA

JUDGE

In the presence of:

Ms. Timoi for the Prosecution

Mr. Rusungu for the Accused

Ms. Karimi Court Assistant