



**Republic v Nyoki (Criminal Case E021 of 2024)  
[2025] KEHC 17757 (KLR) (28 November 2025) (Sentence)**

Neutral citation: [2025] KEHC 17757 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAROK  
CRIMINAL CASE E021 OF 2024  
CM KARIUKI, J  
NOVEMBER 28, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**GEORGE GITAU NYOKI ..... ACCUSED**

**SENTENCE**

1. The accused was charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. Particulars were that on 9/1/2023, at the Majengo area in Narok Central Sub-County, Narok County, Edwin Onduso was murdered.
2. The matter went into a plea bargain in view of the background of the matter, as it is stated that the victim had participated in the rape of the accused's wife, and it is said to have gravely enraged and angered the accused. Further, by the act and the fact that the charges against the victims/deceased were being frustrated. The plea agreement was successful, and the charges of murder were substituted with charges of manslaughter, which the accused pleaded guilty to. The facts were read as set out in the plea agreement executed by all. The facts in summary were that the victims/deceased participated in the gangraping of the accused's wife, enraged and provoked the accused intensely. The matter of rape was not progressing expeditiously. The accused was convicted of the offence of manslaughter on his own plea. The prosecution intimated that the accused was a first offender and could thus be treated as such.
3. In mitigation, the accused's advocate told the court that the accused is a 31-year-old man who was a first offender with a young family. He was repentant and remorseful. It was submitted that he was traumatized by the incident of the rape of his wife by the deceased with another. The court is urged to be lenient in the circumstances and, if possible, to award a non-custodial sentence. The PCR Report has also alluded to the same idea, though it leaves it to the court's discretion. In Kenya, a sentence in a criminal case serves multiple purposes, including punishing the offender (retribution), deterring others from committing similar crimes, and rehabilitating the offender to become a law-abiding citizen. Other



key objectives are protecting the community, restoring justice for victims, and formally denouncing the criminal conduct. Republic v Koech (Criminal Case 11 of 2018) [2025] 91 EKL.R.

4. The accused ought to have restrained himself as this was not an incident of the spur of the moment, such as finding the wife being raped live by the victim. He had time to cool off, as the rape is said to have happened on 3/1/2023, and the killing took place on 9/1/2023. He (accused) had been away for about 6 days since the incident. Though intensely angered, it was not an instant provocation. Maybe the failure to settle the rape issue between the accused and his wife's side and the deceased brother's side enraged him more.
5. However, the accused has saved court time by pleading guilty to a lesser offence of manslaughter. He has also pleaded repentance and remorsefulness, and the PCR is positive. However, for him to learn a lesson that crime does not pay, nor does loss of a life be taken so easily in the name of revenge, the court will award a custodial sentence for rehabilitation. I.
6. Thus, the court makes the order.
  - I. The accused is jailed for 5 years' imprisonment, and after completion, he shall serve 2 years' probation.

**DATED AND DELIVERED AT NAROK VIA MICROSOFT TEAMS THIS 28<sup>TH</sup> DAY OF NOVEMBER 2025**

.....

**CHARLES KARIUKI**  
**JUDGE**

