



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERUGOYA
CRIMINAL CASE NO. 10 OF 2019

REPUBLICPROSECUTOR
VERSUS
HARRISON NJERU MUTHIKE1STACCUSED
ANTONY MUNENE NJERU 2ND
ACCUSED

RULING ON SENTENCE

- [1] The Accused persons were charged with the offence of murder contrary to section 203 as read with 204 of the Penal Code with particulars set out in the Information dated 21/5/2019 that they had “*between 9th and 10th May 2019 at Kiandai Village Thimu Sub-location, Rwathia Location within Kirinyaga County unlawfully murdered Consolata Kamori.*”
- [2] In the course of the trial, the second accused **Antony Munene Njeru** was on 24/11/2025, upon a Plea Bargain Agreement dated 28/10/2025, convicted on his own plea of guilty for the lesser offence of manslaughter contrary to section 202 as read with 205 of the Penal Code.
- [3] In written mitigation dated 21/11/2025, the accused has raised the issue principally of his pre-trial detention of over (6) years (6) months, his first offender status and remorse “for his unlawful actions.”
- [4] The circumstances of the offence as detailed in the Pre-sentence Report by Probation Officers dated 23/10/2025 by Ms. Pauline Lechipan, the accused attempts to get out of the killing of the deceased by alleging that he was a whistle-blower to the offence. By an earlier Pre-sentence officer’s report dated 28/10/2024 by Ms. Mercy Mathenge, the accused had given the circumstances of the death of the deceased as resulting hitting her

head on a stone after a fall along a slippery road while he escorted her home from a drinking spree. The Common denominator was that the accused had been drinking with the deceased and he had escorted her home at the time she died near her home.

[5] In view of the conflicting reports the Court must rely on the facts as set out in the Plea bargain agreement, which the accused admitted leading to his conviction on his own plea of guilty to the offence of manslaughter. The court is obliged to take the facts as set out in the agreement which states that the deceased's phone "*Nokia Phone with an [IMEI] number 359553016171675 with a purple color on the side*" was recovered and identified as belonging to the deceased by her partner PW1.

[6] The full facts admitted by the 2nd accused were set out in paragraph 8 of the Plea bargain Agreement as follows:

"8. Had the case gone to trial, the Prosecution would have presented evidence sufficient to prove the following facts beyond a reasonable doubt that:

BRIEF FACTS

On 10th May 2019, a body of a female adult was discovered in a maize plantation within Thimu sub-Location Rwathai Location with visible injuries on the face and the neck showed as though the deceased had been murdered. Investigations lead to the arrest of the 1st Accused {Harrison Njeru Muthieke}. In his house, a quick search led to the discovery of a dark blue jeans, a long trouser both with blood stains. A mobile phone [Nokia] with a sim card, battery for a [tecno] without visible serial number.

Pw-1 {Samuel Ndege Kareithi} states that being a widower after losing his wife in the year 2002, he got into a relationship with the deceased {Consoiata Kamora} who was also a widow but with 6 children in 2016 and many a time he could spent at her place. That on 10th May 2019 he learned that the deceased did not reach home. That he tried in vain to know her whereabouts and his search within [Kiandai] shopping center did not bear fruit.

That he tried going to her house but she was not there. That he was alerted by the screams emanating from some maize plantation and

upon responding, he stumbled on the deceased body. On **11th May 2019** he was able to identify one [Nokia] black and orange in colour without a cover and it had a black battery [**Techno**] as the deceased property.

Pw-2 {Celina Warui Muriuki} states that she had been doing her daily chores of Milking the cow on the **10th May 2019** from **6 am** and as she waited for someone to buy her milk, she noticed a red lesso with flowers on it inside a maize plantation. hat she decided to move closer as she knew the owner to be one [**Consolata Kamori**] and to her rude shock, it was indeed the deceased who was motionless with her right legs looked bent with the left one tilted downwards with the lower part of the body being covered by the said lesso.

That the scene looked undisturbed as all the maize stems were upright and it was clear to her the deceased had been killed elsewhere and dropped there. That a village elder called the chief one [**Henry Migwi**] who quickly informed the Police to the scene. That she had known the deceased [**Consolata Kamori**] as good neighbour who had no squalor with anybody.

Pw-3 {David Gitai Njiru} the son to the deceased states that he received information of his missing mother on a Friday **10th May 2019** from his uncle {**Gasbery Njuki**} at about **10:00am**. That at about **11am**, he called again informing him that the body of his mother had been dumped at some Maize plantation within Kiandai shopping center and that by the time he reached there, the body had been moved to [Kibugi] Funeral Home.

Pw-4 {Anne Wangui Nyaga} states that she was called on **10th May 2019** being informed of the deceased death and true to the caller, she arrived at the scene before the body was taken away by the Police. She states that the body lying on the ground with the face tilted on one side. Her legs were spread apart while covered with a lesso. That blood was oozing from her eyes on the side the head was facing. That

the Police from [Kianyaga] arrived at the scene and took the body to the mortuary.

Pw-5 {Andrew Njuki Njiru} confirmed that he was informed of the mother's death at 10 am by his brother {David Gitari} and would see the mother at the [Kibugz] Funeral Home.

Pw-6 {David Mugo Muriuki} recalls having been called on a Friday 10th May 2019 at about 8am by the area chief {Migwi} that the body of the deceased [Consolata Kamori] had been discovered dumped and some Maize plantation.

That he proceeded to the scene where he found the body lying motionless in a Maize plantation. That it had blood stains on the eyes, mouth and ears. That her underpants had been removed an indication that she was defiled and murdered.

That the Police moved the body to [Kibugi] funeral home and it was the following day being the 11th May 2019, the chief requested that he accompany to a house of a suspect whom he called {Harrison Njeru Muthike}. That while in the company of the DCI officers from [Kianyaga], they recovered a tight blue trouser with blood stain at the led side, a mobile phone [Nokia 110] purple at the front and orange at the back from the house of {Anthony Munene Njeru} and moving to the house of {Harrison Njeru Muthike}, they recovered one [Nokia] phone black in colour, a black techno battery, a Safaricom line.

Pw-7 {Henry Migwi Wambugu} states that he received a call at 8am on the 10th May 2019 from his village elder {Moris Gichobi} that the body of the deceased had been found in some maize. That he immediately called the OCS [Kianyaga] who responded on time. That at about 10am, he got wind that {Antony Munene Njeru} and {Harrison Njeru Muthike} could be holding some crucial information about the death of deceased. That he informed the OCS [Kianyaga] who instructed him to arrest the suspect and it was

after the arrest that they went for a search in the houses of the suspect that they were able to recovered light blue jeans, along trouser with blood stains and a mobile phone [Nokia]

identified by Pw-1 as being the deceased phone in the house of {Anthony Munene Njeru.} At the house of {Harrison Njeru Muthike}, a [Nokia] 110 Phone, sim card which had been blocked were found. When asked, he only said he found them at [Kiandai] Market.

Pw-8{No 113914 PC Linet Nawire} was the investigating officer. She states that on 10th May 2019 a report of murder was made at Kianyaga Police Station of the deceased {Consolata Kamori}. That after being assigned the duty to investigate by the SCCIO, she was led to the house of {Harrison Njeru Muthike} and {Anthony Munene Njeru}. That it was at the house of {Harrison Njeru Muthike} that a black Nokia, a sim Card, a techno battery, a dark blue jean long trouser with suspected blood stains were found. At the house of {Anthony Munene Njeru}, a light blue jean long trouser with suspect blood stains was found with a Nokia phone with an [imei] number 359553016171675 with a purple color on the side but without a sim card with an itel battery and a black inner pant were recovered.

Pw-9 {Dr. Karomo} formed the opinion that the cause of death was due to Asphyxiation caused by strangulation in an assault.”

- [7] The court take serious view of the senseless offence where the deceased was apparently violated and strangled to death following a drinking spree with the accused and others. Gender-based violence, in whatever form, is to be discouraged and a deterrent sentence is warranted.
- [8] The court considers that a custodial release of imprisonment for a term of nine (9) years is just for the offence of manslaughter herein.
- [9] As the accused has been in custody since arraignment on 21/5/2019, the sentence of imprisonment for nine (9) years shall pursuant to section 333(2) Proviso commence on the that date.

ORDERS

[10] Accordingly, for reasons set out above, having convicted the 2nd accused **Anthony Munene Njeru** for the offence of manslaughter contrary to section 202 as read with 205 of the Penal Code, the Court now sentences the 2nd accused **Anthony Munene Njeru** to serve imprisonment for nine (9) years. the sentence commencing on 21/5/2019 when the accused was charged and remanded to await his trial. [Right of Appeal under section 137L of the Criminal Procedure Code only “to the extent or legality of the sentence imposed” explained.]

[11] The Accused has with remission of 1/3 of the sentence under section 46 of the prisons Act served the sentence fo imprisonment for nine (9) years in full.

[12] There shall, consequently, be issued an order for the release of the Second Accused Antony Munene Njeru forthwith unless he is otherwise lawfully held.

[13] The trial shall proceed against the 1st accused on a date to be fixed at the Court Registry.

Orders accordingly.

DATED AND DELIVERED THIS 27TH DAY OF NOVEMBER 2025

EDWARD M. MURIITHI

JUDGE

APPEARANCES:

Mr. Njiraini for Mr. Ngigi for Accused.

Mr. Mamba for DPP.