



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL CASE NUMBER E031 OF 2020

REPUBLIC

ODPP

VERSUS

JOHN MWANGI GITHAIGA ALIAS

PETER MWANGI

GITHAIGA----- CONVICT

SENTENCE

1. John Mwangi Githaiga *alias* Peter Mwangi Githaiga (“the Convict”) was on 31st July 2025 convicted of murdering the deceased herein (Mercy Njeri Mbatia) on 13th October 2020. 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. Githui) told the court that the offence of which his client was convicted was not pre-meditated. But was committed spontaneously. He is said to be youthful and has 4 dependent children, a proportional sentence is called for. Counsel submits for a non-custodial sentence and further urges the court to take into account the period the period the Offender was in custody during trial.
3. The Republic through Mr. Wakasyaka (Prosecution Counsel) briefly replied *vide* written submissions dated 15th October 2025. *Inter alia*. Mr Wakasyaka refers the court to the famous Supreme Court of Kenya case of **Francis Karioko Muruatetu & Others** in which the apex court stated the factors that influence a sentence to be meted out against an Offender. They include the age any criminal antecedents of the Offender; whether he/she pleaded guilty; any remorse expressed and potential for reform or rehabilitation.
4. The Prosecution Counsel observes that based on the Probation Officer's Report, the Offender is not remorseful as he maintains innocence. It is noted that he has not

reached out to the deceased's family for reconciliation. Counsel in the circumstances advocates for a deterrent custodial sentence.

5. I have considered the Counsel submissions and also perused the Probation Officer's Report dated 2nd October 2025. The Convict who is 44 years old is reported to be unremorseful and the deceased's family is still bitter for the loss of their kin. The family complains that none from the Offender's family has conducted them for reconciliation talks. The deceased's relatives therefore urge a custodial sentence.
6. The general community from which both the Convict and the deceased hail, negatively appraise the Convict because of bad conduct.. The Probation Offender does not recommend a non-custodial sentence and leaves the matter to the court's discretion.
7. 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 & Others *supra*** 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.

8. Although the Convict has no other criminal antecedents, he has not regretted the criminal act. The deceased's family and the general community are not ready to receive him back. The court further takes into account the serious circumstances surrounding the deceased's demise. She was burnt alive in her home, and must thus have undergone excruciating pain before she succumbed.
9. Taking all the relevant circumstances into account, the Convict is hereby sentenced to 30 (thirty) 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 4th day of December, 2025 in the presence of:

Mr. Wakasyaka for the Republic

Mr. Githui Advocate for the Convict

Court Assistant (Jeniffer)

J.M. NANG'EA, JUDGE.