



**Republic v Muriathi (Criminal Case 66 of 2019)
[2025] KEHC 18258 (KLR) (Crim) (9 December 2025) (Sentence)**

Neutral citation: [2025] KEHC 18258 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
CRIMINAL CASE 66 OF 2019
K KIMONDO, J
DECEMBER 9, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

JOHN KAMAU MURIATHI ACCUSED

SENTENCE

1. The accused has been adjudged guilty of murder.
2. This is a grave felony that attracts the death penalty. However, following the momentous decision of the Supreme Court in *Francis Karioko Muruatetu & another v Republic*, Consolidated Petitions Nos. 15 & 16 of 2015 [2017] eKLR, the mandatory nature of the death sentence as provided for under section 204 of the *Penal Code* was declared unconstitutional. This did not outlaw the death penalty, but it left the court with discretion to impose a lighter sentence.
3. I have considered the circumstances surrounding this offence. The accused murdered Gidraph Mwangi Maroro by inflicting multiple chop wounds on his neck and head using a sharp *panga*. It was no doubt a pre-meditated attack meant to cause grievous harm or death.
4. I have taken into account the mitigation tendered by his counsel. The accused is now aged 37 years and a first offender. He regrets his actions and pleads for clemency.
5. I have also paid heed to the pre-sentencing report dated 16th June 2025 under the hand of Ms. Margaret Aduol, Probation Officer, Nairobi. She does not recommend a non-custodial sentence.
6. The views of the victim's family are well captured in the social report. They have not healed from the "trauma...and pray for justice". According to the parents, the deceased was only 30 years old. They had



“high hope in him and depended on him for financial support...he left a young family and they were now struggling to make ends meet”.

7. Sentence should be commensurate to the moral blameworthiness of the offender but also guided by the nature and gravity of crime. Justice in this case calls for a custodial sentence.
8. I sentence the accused to fifteen (15) years imprisonment. In accordance with section 333 (2) of the [Criminal Procedure Code](#), the sentence shall run from 27th September 2019, the date when he was first arrested and placed in custody.
9. The accused has a right of appeal to the Court of Appeal within 14 days and as per the [Rules](#) of that Court. A copy of the proceedings, judgment and sentence shall be supplied to him immediately.

It is so ordered.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 9TH DAY OF DECEMBER, 2025.

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KANYI KIMONDO

JUDGE

Judgment read virtually on Microsoft Teams in the presence of-

Accused.

Mr. Mwale for the Accused instructed by Litwaji Achieng & Kiprop Advocates LLP.

Mr. E. Ombuna, Court Assistant.

