



**Republic v Muteria (Criminal Case E006 of 2023)  
[2025] KEHC 18764 (KLR) (19 December 2025) (Sentence)**

Neutral citation: [2025] KEHC 18764 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VOI  
CRIMINAL CASE E006 OF 2023  
AN ONGERI, J  
DECEMBER 19, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**KENNEDY MUTERIA ..... ACCUSED**

**SENTENCE**

1. The Accused person was charged with murder contrary to Section 203 as read with Section 204 of the Penal Code.
2. The offence was reduced to manslaughter contrary to Section 202 as read with Section 205 of the Penal Code following a successful plea bargain agreement entered into on 18<sup>th</sup> September 2025.
3. The Accused Person who was represented by Miss Munyari Advocate pleaded guilty to the charge of manslaughter.
4. The facts of the offence were as follows:-

The Accused Person herein Kennedy Muteria Daudi and the deceased person were well known to each other. The Accused used to buy a recreational chewing drug called muguka from the deceased.

On 21<sup>st</sup> October 2023 at around 10:00p.m the Accused went to the deceased’s house situated at Mariwenyi village for purposes of purchasing muguka. Upon entering the house, he found the deceased sitted on a sofa with her 5 year old daughter. He requested for muguka worth Kshs. 50/= from the deceased. The Accused informed the deceased that he had done a job and was awaiting pay. The deceased declined the proposal and told the Accused to either pay cash or mpesa or leave her house.

The Accused and deceased got into an argument leading to both of them shoving each other culminating to the Accused stabbing the deceased once on the chest with a knife. The Accused hurriedly left the house and went into hiding. During the scuffle the neighbors heard the deceased’s



scream and went to the deceased's house, they found her laying on the ground with blood oozing from her chest.

The village elder and area chief were informed of the incident who later called police officers from Mwatate police station. Police officers from DCI Mwatate arrived at the scene and processed it. The Accused was found hiding in a thicket by members of the public. DCI officer rearrested the Accused Person and took him to Mwatate Police station. The deceased's body was taken to Moi Referral Hospital mortuary for preservation and post mortem.

On 27<sup>th</sup> October 2023 a post mortem was conducted and the cause of death was established to be hemolytic shock due to massive blood loss secondary to penetrating chest wound injury. The Accused Person was charged with the offence of Murder contrary to Section 203 as read with Section 204 of the Penal Code which has now been substituted to that of manslaughter contrary to Section 202 as read with Section 205 of the Penal Code.

5. The Learned Defence Counsel filed her mitigation as follows;

e submissions in mitigation on behalf of the accused, Kennedy Muteria, respectfully pray for the court's leniency and the imposition of a non-custodial sentence. Central to this plea is that the accused, aged 24, is a first offender who has expressed profound remorse and empathy for the victim's family. He contends that the fatal act was not premeditated but arose from a sudden confrontation over a debt related to miraa, exacerbated by his intoxication at the time. The weapon used was a kitchen knife belonging to the deceased, and the post-mortem indicates a single stab wound, supporting the characterization of an impulsive act of anger rather than a planned attack.

The accused's personal circumstances are highlighted as significant mitigating factors. As the firstborn in a single-parent household, he worked as a casual labourer to support his mother and younger siblings and had aspirations to join college. His potential for reform is emphasised, given his youth and previously good character as noted by local authorities. A Pre-Sentence Report confirms his remorse and indicates his father resides in Nairobi, providing a viable relocation option to address community safety concerns raised by the Area Assistant Chief and Village Elder. While the Victim Impact Statement acknowledges the profound trauma suffered by the deceased's family, it is pleaded that their rights must be balanced fairly against those of the accused.

In conclusion, the defence fervently submits that a non-custodial probation sentence would best facilitate the accused's rehabilitation and reintegration. Should the Honourable Court deem a custodial term necessary, it is prayed that a sentence of three years' imprisonment be considered, with two years probated, and that the two years already spent in custody be deducted in full. This submission is supported by referenced authorities where similar sentences were imposed for manslaughter.

6. The Probation Officer filed a pre-sentencing report and Victim Assessment Report which this court has duly considered.
7. considered the charge of manslaughter to which the accused person pleaded guilty, the factual circumstances of the offence, the submissions in mitigation by learned counsel, the Pre-Sentence Report, the Victim Assessment Report, and the relevant principles of Kenyan sentencing law, this court now proceeds to pass sentence.
8. The court acknowledges that the accused person is a first offender who has taken responsibility for his actions by pleading guilty, thereby saving the court and the witnesses the time and trauma of a full trial.
9. This plea is a sign of remorse and is a mitigating factor to be considered under the Sentencing Policy Guidelines, 2023. The court has also considered his relative youth, being 24 years old, and his role as a firstborn in a single-parent household.



10. However, the court must weigh these mitigating factors against the gravity of the offence and the profound impact on the victim's family.
11. A life has been tragically and violently lost. As held in the case of Francis Karioko Muruatetu & Another v Republic [2017] eKLR, while rehabilitation is a key objective of sentencing, the courts must also consider the objectives of retribution, deterrence, and protection of the community.
12. The circumstances of this offence—a fatal stabbing during an argument over a petty debt—reveal a resort to extreme and lethal violence. The use of a knife, regardless of its origin, turned a personal disagreement into a homicide. The court has noted the concerns raised by the community representatives regarding the accused's return, as captured in the Pre-Sentence Report.
13. In light of the foregoing, a non-custodial sentence would, in the circumstances of this case, trivialise the loss of life and fail to meet the legitimate demands for justice.
14. The offence of manslaughter under Section 205 of the Penal Code prescribes a maximum sentence of life imprisonment. The court must impose a sentence that reflects the seriousness of the unlawful killing while giving due credit for the accused's plea and personal circumstances.
15. Consequently, Kennedy Muteria is hereby sentenced to ten (10) years imprisonment. In accordance with Section 333(2) of the Criminal Procedure Code, this sentence shall be computed from the date of his arrest and initial custody, being 21st October 2023. The period he has spent in remand custody shall therefore be deducted in full from this term.
16. Right of appeal 14 days explained.

**DATED, SIGNED AND DELIVERED THIS 19<sup>TH</sup> DAY OF DECEMBER, 2025 IN OPEN COURT AT VOI.**

**ASENATH ONGERI**

**JUDGE**

In the presence of:-

Prosecutor: Mr. Ngigi

Court Assistant: Millicent/Mabishi

..... for the Accused Person

The Accused Person

