



**Republic v Ndung'u (Criminal Case 15 of 2016)
[2025] KEHC 19017 (KLR) (18 December 2025) (Sentence)**

Neutral citation: [2025] KEHC 19017 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL CASE 15 OF 2016
TW OUYA, J
DECEMBER 18, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

MARTIN MWANGI NDUNG'U ACCUSED

SENTENCE

1. The accused, Martin Mwangi Ndung'u, was charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code and was convicted on his own Plea of Guilty with the offence of manslaughter contrary to Section 202 as read with Section 205 of the Penal Code under a plea bargain agreement executed on behalf of the state on 8th July, 2025 and signed by the accused on 24th June 2025, and the same was presented in court on 16th July, 2025.
2. The particulars supporting the charge were that on 30th July, 2016 at Kirere Village, in Kigumo Sub-location within Murang'a County, the accused caused the death of Nancy Wambui Maina.
3. The brief facts of the case are that on 30th July, 2016, at around 3:00pm, Winnie Wangari Maina, Jane Wangare Ndung'u, her grandmother and Nancy Wambui Maina, her mother, were sitting outside their house when Martin Mwangi Ndung'u, the accused, came along and picked a fight with his mother. Since the accused was not in good terms with Nancy Wambui Maina (the deceased), she did not utter a single word even as the quarrel escalated.
4. Jane Wangare Ndung'u then decided to go to the toilet, but before she reached there she heard a sharp scream from her granddaughter whereby she turned and saw her daughter-in-law, Nancy Wambui Maina bleeding from the back. According to Winnie Wangari, when her grandmother stood to go to the toilet, the accused dashed inside the kitchen of her grandmother and came back armed with a kitchen knife, which he used to stab the deceased on the back twice and on the left hand and she fell and fainted.



5. The accused person then fled the scene of crime while still holding the knife and jumped over the fence and disappeared. Jane Wangari then called her son John Chege Ndung'u and they rushed the deceased to the hospital where she was announced dead on arrival.
6. Mr. Matu, Learned Counsel for the accused, in his plea in mitigation on behalf of the accused submitted that the accused has been in custody for nine (9) years and he is highly remorseful and regrets his actions. He further submitted that the accused person has no previous criminal record and that as per the comments of his area chief, the accused was a person of good character prior to the incident.
7. Counsel Matu prayed for leniency while sentencing the accused, and submitted that in the event this court is inclined to giving the accused a longer sentence, then the same should be a non-custodial sentence.
8. I have carefully considered the facts of this case and the circumstances in which the offence was committed. I have also considered the accused's plea in mitigation, including his age which is stated to be 46 years in the pre-sentence report and the fact that he is a first offender. I have also taken into account the objectives of sentencing as set out in the Judiciary's Sentencing Policy Guidelines which includes retribution, rehabilitation, restorative justice, community protection and denunciation.
9. That said, I would like to point out at this juncture, that the offence of manslaughter is a serious offence which attracts a maximum sentence of life imprisonment. In as much as I have taken due consideration of the accused's plea in mitigation including the fact that he was a first offender, given the facts of this case, I find that a non-custodial sentence as proposed in his plea in mitigation would not be appropriate for the accused in this case.
10. In my view, a custodial sentence would be most appropriate in the circumstances. Taking into account all relevant factors, including the fact that the accused has been in custody for a period of nine (9) years, I hereby sentence the accused to serve ten (10) years imprisonment. The sentence will take effect from 8th August, 2016, when the accused was first arraigned before this court.

DATED, SIGNED AND DELIVERED PHYSICALLY THIS 18TH DAY OF DECEMBER, 2025.

HON. T. W. OUYA

JUDGE

For Applicant.....Ms Maina HB Matu

For Respondent.....Muindi

Court Assistant.....Brian

