



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYANDARUA
CRIMINAL CASE NO. E015 OF 2024

REPUBLIC.....PROSECUTOR

VERSUS

SAMUEL KIBIRI NDIRANGU.....ACCUSED

JUDGMENT

1. Samuel Kibiri Ndirangu is charged with murder contrary to section 203, as read with section 204 of the Penal Code.
2. The particulars of the offence are that on the 3rd day of August 2024, at Nyairoko in Kiania sub-location, Gathanji Sub-County within Nyandarua County, they murdered Florence Wambui Njeri.
3. Florence Wambui Njeri, the deceased, had gone to fetch firewood on the accused's land. She was later discovered on a nearby road with multiple cut wounds and was unable to speak. However, she communicated through signs and pointed at the accused when asked who injured her. She was taken to the hospital, where she further implicated the accused by writing in a notebook.
4. The accused, in his defence, denied any involvement in the incident leading to the death of the deceased. The issues to be determined are:
 - a) Whether the accused has been connected to the offence; and
 - b) Whether the offence of murder was proved against any or all the accused.
5. Witnesses at the scene described that the deceased was unable to speak due to her injuries. When her mother inquired who caused the injuries, she pointed to the accused, who was present. These witnesses included Isaac Kuria (PW2) and Benard Karanja Maina (PW3).
6. Isaac Kuria (PW2) testified that upon learning about the incident involving the deceased, his sister, they went to the accused's home, where she had gone to fetch firewood. The accused told them she had already left. They then found her on the road, and the accused followed them there.
7. At the hospital, the deceased communicated in writing. In the notebook submitted as an exhibit, she wrote the following in response to a question who had injured her:

“Samuel. Nilikuwa kutafuta kuni. Aliniambia nikimaliza alianza kunichapa na akaninyanganya panga na chakula..”

8. This loosely translates: **“It is Samuel. I had gone to fetch firewood. He told me that if I finished, he would start to beat me and take my machete from me, together with the food.”**
9. Though her statement was incoherent, she communicated, given the circumstances.
10. The notebook and an exercise book with the known handwriting of the deceased were submitted for analysis; the handwriting was established to be similar and made by the same hand.
11. PC Edwina Akinyi (PW6) stated that, accompanied by other officers, she visited the accused's residence and recovered his shirt and a pair of trousers lightly stained with blood. DNA analysis of the trousers revealed a profile matching that of the deceased's blood.
12. Although the accused denied involvement in the deceased's death, the evidence against him is overwhelming, indicating his involvement.
13. I have, therefore, concluded that the prosecution has met the necessary standards to prove that the accused was responsible for causing the death of the deceased.
14. In order to secure a murder conviction based on the available evidence, the prosecution must demonstrate the presence of malice aforethought. According to Black's Law Dictionary, 10th Edition, malice aforethought is defined as:

The requisite mental state for common-law murder, encompassing any one of the following (1) the intent to kill (2) the intent to inflict grievous bodily harm (3) extremely reckless difference to the value of human life (the so-called “abandoned and malignant heart”), or (4) the intent to commit a dangerous felony (which leads to culpability under the felony-murder rule).

15. Section 206 of the Penal Code gives instances when malice aforethought may be proved. It provides:

Malice aforethought shall be deemed to be established by evidence proving any one or more of the following circumstances—

(a) an intention to cause the death of or to do grievous harm to any person, whether that person is the person actually killed or not;

(b) knowledge that the act or omission causing death will probably cause the death of or grievous harm to some person, whether that person is the person actually killed or not, although such knowledge is accompanied by indifference whether death or grievous bodily harm is caused or not, or by a wish that it may not be caused;

(c) an intent to commit a felony;

(d) an intention by the act or omission to facilitate the flight or escape from custody of any person who has committed or attempted to commit a felony.

16. Dr. B.G. Miring'u (PW3) conducted a post-mortem examination on the deceased's body, which exhibited numerous injuries. These included several cuts on the head, a parietal fracture, cuts on the neck, nose, and left dorsum, along with burns on the right thorax. He concluded that the cause of death was pulmonary embolism and oedema occurring after surgery, resulting from assault.
17. When the prosecution's evidence is evaluated as a whole, it sufficiently proves the murder charge against the accused. Therefore, he is found guilty of this offence.

Delivered and signed at Nyandarua, this 19th day of February 2026

KIARIE WAWERU KIARIE

JUDGE