



**Republic v Nambetsa (Criminal Case E008 of 2024)
[2026] KEHC 1163 (KLR) (10 February 2026) (Judgment)**

Neutral citation: [2026] KEHC 1163 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL CASE E008 OF 2024
DR KAVEDZA, J
FEBRUARY 10, 2026**

BETWEEN

REPUBLIC PROSECUTOR

AND

VALENTINE OSUNDWA NAMBETSA ACCUSED

JUDGMENT

1. The accused Valentine Osundwa Nambetsa was charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code, cap 63 laws of Kenya. The particulars are that on 12th April 2024 at around 2.30pm at Gatina area within Kawangware, Dagoretti sub-County within Nairobi County unlawfully killed Joseph Apundu Wawire. The accused pleaded not guilty to the charge.
2. However, following successful plea negotiations with the state, the accused pleaded guilty to a lesser charge of manslaughter contrary to section 202 as read with section 205 of the Penal Code. He signed a plea agreement on 5th November 2025. The accused was therefore charged with the offence of manslaughter contrary to section 205 of the Penal Code cap 63 Laws of Kenya.
3. The brief facts, as outlined in the plea agreement, are as follows. The accused and the deceased were neighbours residing at Kwaellonia Plot, Gatua Area, Kawangware. On the night of 11th April 2024, while the accused was on duty, he informed his neighbour, Francis Omondi, that the deceased had allegedly visited his house at midnight and left with his wife. Francis advised the accused to seek clarification from his wife.
4. On 12th April 2024, the deceased was at his house in the company of Vayana Apiyo and Even Odongo when the accused's wife visited and reported that the accused had threatened to chase her away on suspicion of an affair with the deceased. The deceased ignored her. Shortly thereafter, he returned and



- requested the deceased to go to the accused's house. As he left with her, Vayana advised the deceased to state that he was going to demand money allegedly owed by the accused's wife.
5. Upon arrival at the accused's house, an argument ensued. The deceased stated he was pursuing a debt. Tempers flared and a physical fight broke out. Neighbours, including Francis Omondi and Caroline, rushed in and restrained the accused, allowing the deceased to flee. The accused broke free, pursued the deceased while armed with a kitchen knife, caught up with him, and stabbed him once in the ribcage. The deceased collapsed and lost consciousness.
 6. He was rushed to Gatina Dispensary but succumbed to his injuries. Dr Owour conducted a post-mortem on 15th April 2024 and concluded that death resulted from excessive haemorrhage due to a single stab wound. Police recovered bloodstained knife and the accused's bloodstained trousers. DNA analysis was inconclusive. The accused was found fit to plead. The Scene and body photographs were produced.
 7. Upon reading the facts to the accused and after confirming that the plea-bargaining process was voluntary, that, the accused's constitutional rights had not been violated during the negotiation process, and further that he was not coerced, the court accepted the plea agreement and convicted the accused accordingly.
 8. In mitigation, the accused submitted that he is twenty-seven years old and a first-born child from Mumias County. He later acquired land in Busia County, where he ordinarily resides. He attained formal education up to Form Two but dropped out due to lack of school fees. Thereafter, he engaged in casual work to sustain himself and eventually got married. The marriage was blessed with one child.
 9. The accused stated that in 2021 he travelled to Nairobi in search of employment and secured work with a security firm. After settling, he brought his wife and child to Nairobi. Owing to the nature of his night duties, he would often leave his family at home while at work. During this period, he began hearing persistent rumours that his wife was having an affair with a neighbour, being the deceased.
 10. He narrated that on several occasions he observed conduct which reinforced his suspicions, including the deceased visiting his house in his absence and engaging his wife in private conversations. These events caused him great emotional distress and anger. He admitted that on the material day, following a confrontation in his house, a fight ensued between him and the deceased. In the course of that altercation, he armed himself with a knife and, in the heat of the moment, stabbed the deceased, though he maintains he did not intend to cause death.
 11. The accused expressed remorse for his actions and stated that the incident arose from provocation, jealousy and loss of self-control. He prayed for leniency, urging the court to consider his youth, family responsibilities and the circumstances under which the offence was committed.
 12. In response, Ms. Maina, learned counsel for the prosecution, submitted that the accused is a first offender. However, she contended that the offence was motivated by jealousy arising from a mistaken belief that the deceased was having an affair with the accused's wife. According to the evidence of Viola and Ever Adongo, the deceased had merely loaned the accused's wife money and had been following up on its repayment, a fact unknown to the accused and which fuelled his suspicions.
 13. Prosecution Counsel submitted that the facts disclose a deliberate and violent course of conduct. She emphasised that during the confrontation, neighbours intervened and successfully separated the accused and the deceased. Despite this intervention, the accused broke free, armed himself with a knife, pursued the deceased and stabbed him. In her view, the accused had sufficient time and opportunity to cool off but chose not to do so.



14. Ms. Maina further submitted that although the community described the accused as having good morals and temperament, the pre-sentence report indicated that his family background was marked by violence and serial offending and that they were not ready to receive him back. The prosecution therefore urged the court to impose a custodial sentence to meet the ends of justice and to allow the accused to undergo rehabilitation programmes.
15. The deceased's mother, Violet Bedina, stated that she is depended on him for her upkeep and had expected his continued support as she aged. She described him as her breadwinner. She informed the court that neither the accused nor his family has approached her or offered an apology, and that this was her first encounter with the accused.
16. The deceased father, Patrick Wawire Wangwe stated that he was deeply affected by the death of his son. He testified that he paid Ksh.60,000 towards the deceased's college fees and had hoped that the deceased would eventually support him. He described the deceased as the family's breadwinner. He also added that the accused's family has never approached him and expressed the view that the accused deliberately caused his son's death.
17. In rebuttal, Mr. Gesumwa for the accused submitted that progressive jurisprudence moves towards restorative justice. The accused had been living responsibly and had told his wife to leave but she did not.
18. The pre-sentence report indicates that the offender is a twenty-six-year-old. Following his arrest, his nuclear family disintegrated and the whereabouts of his wife and child remain unknown. At the time of the offence, he was employed as a security guard and was also training as an apprentice welder. He reported being in good physical health and was not dependent on alcohol or drugs. He has no previous convictions. He accepted responsibility for his actions, expressed remorse and pleaded for leniency. The offender and his family urged the court to consider a non-custodial sentence in the best interests of his child. His community vouched for him and expressed readiness to support his reintegration and rehabilitation.
19. The primary victim was a twenty-three-year-old male. He was single and was pursuing a course in electrical and electronic engineering at Beacon of Hope College. His family continues to grieve his death and decried the financial loss occasioned by it. No restitution had been made by the offender or his family by the time of the inquiry. The family expressed dissatisfaction at not being involved in the plea-bargaining process and left sentencing to the court's discretion.
20. The assessment by the probation officer placed the offender at minimal risk of reoffending. He is a first offender who committed a violent offence resulting in death after prolonged provocation. He was in control of his faculties, led a largely law-abiding life and required intervention primarily in anger management. The probation officer opined that this could be addressed through structured non-custodial rehabilitative programmes, noting however the victim family's ambivalence on sentencing.
21. The penal section for the offence of manslaughter is contained in section 205 of the Penal Code which provides: -

Any person who commits the felony of manslaughter is liable to imprisonment for life.



22. The court of Appeal in *Thomas Mwambu Wenyi v Republic* (2017) eKLR cited the decision of the Supreme Court of India in *Alistar Anthony Pereira v State of Maharashtra* at paragraph 70-71 where the court held as follows on sentencing:

“Sentencing is an important task in the matter of crime. One of the prime objectives of the criminal law is imposition of appropriate adequate, just and proportionate sentence commensurate with the nature and gravity of crime and the manner in which the crime is done. There is no straight jacket formula for sentencing an accused person on proof of crime. the courts have evolved certain principles: twin objective of sentencing policy is deterrence and correction. What sentence would meet the ends of justice depends on the facts and circumstance of each case and the court must keep in mind the gravity of the crime, motive for the crime nature of the offence and all other attendance circumstances. The principle of proportionality in sentencing a crime doer is well entrenched in criminal jurisprudence, As a matter of law, proportion between crime and punishment bears most relevant influence in determination of sentencing the crime doer. The court has to take into consideration all aspects including Social interest and consciousness of the society for award of appropriate sentence”

23. The evidence on record demonstrates that tension between the accused and the deceased had been simmering for some time and was rooted in jealousy arising from the accused’s belief that the deceased was having an affair with his wife. This belief was not based on mere suspicion. Witnesses placed the accused’s wife in the frequent company of the deceased, and on the material day she was seen at the deceased’s house before personally requesting him to accompany her to the accused’s house. The accused found them together, a circumstance that reasonably reinforced the perception of an illicit relationship and elevated the underlying tension.
24. In that context, the explanation advanced by the deceased that he had gone to the accused’s house solely to follow up on an alleged debt owed by the accused’s wife appeared doubtful and unconvincing. The surrounding circumstances pointed more plausibly to a domestic dispute arising from a probable affair rather than a purely financial disagreement.
25. Upon their arrival, an argument ensued almost immediately, tempers flared and a physical confrontation broke out inside the accused’s house. Neighbours intervened and restrained the accused, allowing the deceased to flee. However, overwhelmed by jealousy and acting in the heat of passion, the accused broke free, armed himself with a kitchen knife and pursued the deceased.
26. However, acting under intense emotional disturbance and jealousy, the accused broke free, armed himself with a kitchen knife and pursued the deceased. Despite efforts by neighbours to restrain him, he caught up with the deceased and inflicted a single stab wound to the ribcage.
27. The incident bears the clear hallmarks of a crime of passion. While the offence was not premeditated, the accused failed to disengage when an opportunity arose. Medical evidence confirmed that the deceased died from excessive haemorrhage caused by the stab wound, notwithstanding attempts by neighbours to administer first aid and rush him to hospital.
28. In sentencing, the Court has weighed the mitigating circumstances, including provocation arising from domestic discord, the accused’s youth and first offender status, against the gravity of the offence. A life was lost through a violent and unlawful act.
29. The Court recognises the sanctity of human life and the profound loss suffered by the deceased’s family, who depended on him for support and have expressed dissatisfaction at the absence of reconciliation.



30. In the circumstances, a custodial sentence is necessary to reflect the seriousness of the offence and to uphold the value of human life, though tempered by rehabilitative considerations given the absence of premeditation and the accused's prospects for reform.
31. The accused Valentine Osundwa Nambetsa is hereby sentenced to serve ten (10) years imprisonment to run from 12th April 2024, the date of his arrest pursuant to section 333(2) of the Criminal Procedure Code.

Orders accordingly.

JUDGEMENT DATED AND DELIVERED VIRTUALLY THIS 10TH DAY OF FEBRUARY 2026

D. KAVEDZA

JUDGE

In the presence of:

Ms. Timoi for the Prosecution

Mr. Gesumwa for the Accused

Accused Present

Karimi Court Assistant.

