



**Republic v WKK (Criminal Case E003 of 2024)
[2026] KEHC 3073 (KLR) (9 March 2026) (Sentence)**

Neutral citation: [2026] KEHC 3073 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAHURURU
CRIMINAL CASE E003 OF 2024
LN MUTENDE, J
MARCH 9, 2026**

BETWEEN

REPUBLIC PROSECUTION

AND

WKK ACCUSED

SENTENCE

1. Upon arraignment, W.K.K. then, a subject in conflict with the law stated to be 17 years in the year 2024 faced the charge of Murder. At the outset he denied having murdered Hannah Wangoi Kinyua (deceased). However, at a later time the defence counsel initiated plea-bargain pursuant to Section 137(c) of the Criminal Procedure Code.
2. Upon completion of the negotiations, the plea agreement was executed by both the prosecution counsel and the Accused. At the time he was stated to be an adult above the age of 18 years. The information was therefore reduced from Murder to Manslaughter contrary to Section 202 as read with Section 205 of the Penal Code.
3. Facts of the case were that on 24th March, 2024, the Accused, a Subject then, surrendered himself to the Police Patrol Base claiming that he had killed a lady within Kapkatet area.
4. Acting on the information, the police booked the report and placed the Subject under arrest. They commenced investigations and it was established that indeed the deceased was dead. Her lifeless body was found some 30 meters away from her homestead. The body had multiple stab wounds. It was alleged that the deceased had molested the offender sexually hence provoking him, as that was not the first time she had caressed him while making sexual advances to him and she was HIV positive.
5. The body of the deceased was moved to Sipili Hospital Mortuary. A postmortem conducted established that the cause of death was stab wounds.



6. To establish the background of the offender, circumstances of the offence and views of the secondary victims, a social inquiry was carried out by the probation department.
7. The Pre-Sentence Report filed indicate that the offender dropped out of school soon after joining secondary school following indiscipline and habitual truancy. He smokes bhang and alcohol although in denial. And, when under the influence of alcohol, he becomes erratic and aggressive.
8. Although no name was given of the family members who volunteered the information, the allegation that the offender acted in self defence to the victim's sexual overtures, was doubted by the family as there was animosity between the two(2) of them following unresolved conflict as the victim proposed his arrest for assaulting his father.
9. The nuclear family of the victim are devastated. They comprise of her husband and seven(7) children three of them who are school going in grades 9, 6 and 3. They would want the offender to face full weight of the law.
10. The community had mixed reactions. While others held negative views citing the offenders known aggressive behavior when under the influence of alcohol; the area Chief and his Assistant and other community members adopted a more neutral stance and were concerned about public safety recognizing the incident as an internal family dispute.
11. Based on the Ministry of Education records the offender was stated to be 21 years old. It is recommended that he has shown limited acceptance of responsibility and no genuine remorse. His parents have petitioned for a non-custodial sentence expressing willingness to support in rehabilitation. They initiated a meeting to undertake cleansing rituals as a way of reconciliation but it failed. In view of that, the offender is not suitable for a supervised non-custodial sentence, per the pre-sentence report.
12. No previous record was filed in respect of the offender hence he is treated as a first offender.
13. Learned counsel for the defence, Mr. Nderitu Komu submitted that the offender was a minor at the time of the offence and he is willing to go back to school. That while the information by the probation officer states otherwise the father of the offender states that he initiated a reconciliation ceremony at the police station before the area Chief.
14. I have duly considered the information placed before me. Section 205 of the Penal Code provides;

Any person who commits the felony of manslaughter is liable to imprisonment for life.
15. To determine sentence to be meted out would involve how severe the offence committed is. The offender's blameworthiness cannot be overlooked. In the instant case, the offender claims to have defended himself from the victim's sexual overtures, his legal accountability for the act cannot be overlooked. The offender alleged the victim made requests, in an endeavor to obtain a sexual act but he did not describe what exactly she did so that the court can gauge his blameworthiness.
16. The response in questions was not proportionate to the requests made. The excessive use of the deadly weapon did not qualify as self defence and not legally justified. In the circumstances, the aggravating factors did override mitigating circumstances.
17. Although the offender committed the offence while a minor aged 17 years, he has become of age. He is stated to be 21 years old. He was portrayed as an aggressive person especially after consuming alcohol and using bhang. He must be rehabilitated so as to become a law-abiding member of the society and also for the members of the community to be dissuaded from committing similar offences.



18. The offender has expressed the intention to continue with formal education, which can be done in prison where educational programs which improve inmates' knowledge including higher education opportunities which transform them into productive members of the society is undertaken.
19. In the upshot, taking into account time spent in custody as provided by Section 333(2) of the Criminal Procedure Code, I sentence the offender to ten (10) years imprisonment.
20. It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 9TH DAY OF MARCH, 2026.

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L.N. MUTENDE

JUDGE

