

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MURANG'A
CRIMINAL CASE NO. 7 OF 2017

REPUBLIC.

.....**PROSECUTOR**

VERSUS

GLADYS

MUGECHI

MWANGI

.....**ACCUSED**

RULING ON SENTENCE

- 1.** The accused, *Gladys Mugechi Mwangi* was charged with the offence of murder contrary to *Section 203* as read with *Section 204* of the *Penal Code* but was convicted on her own plea of guilty with the offence of manslaughter contrary to *Section 205* of the *Penal Code* under a plea bargain agreement dated 2nd September 2025.

- 2.** The particulars of the charge of manslaughter are that on 20th March 2016 at Gauri Sub-Location within Murang'a County, the accused unlawfully caused the death of *Julius Irungu Mwangi*.

- 3.** The facts of the case are that the accused was the deceased's niece. On 20th March 2016, the deceased went to visit his mother in her home. He found the accused in the house preparing to cook chapati. The accused asked him whether he had brought sweets for the children but instead of peacefully responding to her question, the deceased became violent. He started hurling insults at her, took some wheat flour from the dough she was kneading and when she resisted, the deceased hit her on the cheek. He wanted to hit her a second time but he missed his target, staggered and fell. It is at this juncture that the accused took a knife, stabbed the deceased and ran away. On being taken to hospital for treatment, he was pronounced dead on arrival.
- 4.** An autopsy undertaken on the deceased's body confirmed that the cause of his death was associated with a stab wound on his chest.

As the accused had surrendered to the police, she was charged with the offence of murder which, as stated earlier,

was later substituted with the lesser offence of manslaughter.

- 5.** In his plea in mitigation on behalf of the accused, Mr. *Kirubi*, learned counsel for the accused informed the court that the accused was a single mother with two children aged between 13 and 5 years; that she regretted her action which led to loss of life; that she had acted at the heat of the moment and was remorseful; that she had now learnt how to control her temper.

In addition, learned counsel invited me to note that the accused had faithfully attended this court for the last eight years, a fact which in his view should be treated as a mitigating factor.

- 6.** After hearing facts of this case and the accused's plea in mitigation, I called for a pre-sentence report which was duly filed on 12th February 2026. A reading of the pre-sentence report confirms that the accused was a single mother of two dependent children for whom she was the sole breadwinner. The report also confirms that the accused was genuinely

remorseful for the offence she committed which she attributed to lack of anger control.

- 7.** Besides documenting views of the victim's family which I have also considered, the report confirmed the familial relationship between the accused and the deceased. It recommended a non-custodial sentence for the accused to facilitate reconciliation between the two families through counselling and related measures.
- 8.** Although there cannot be any justification for taking away the life of another, it is clear from the facts of this case that the accused's unlawful action was mainly provoked by the deceased's conduct of hurling insults at her, physical assault and dismemberment of the dough she had prepared for cooking chapati. The accused ought to have handled the situation in a peaceful manner but apparently, she was unable to control her temper and the worst happened.
- 9.** It is not lost on me that manslaughter is a serious offence which attracts a maximum sentence of life imprisonment. However, given the circumstances in which the offence in

this case was committed, the fact that the accused is a first offender and considering also her personal circumstances and the findings in the pre- sentence report, I agree with the recommendation made in the report that this is a suitable case for consideration of a non- custodial sentence.

10. Having taken all relevant factors into account, I have come to the conclusion that a custodial sentence was inappropriate in this case as it will not achieve any of the objectives of sentencing.

11. For the above reasons, I hereby exercise my discretion and sentence the accused to serve a period of three years on probation during which time she shall undergo guidance and counselling on anger management. The sentence to be served under supervision of the Murang'a Probation Office.

It is so ordered.

DATED, SIGNED and DELIVERED at **MURANGA** this 5th day of March 2026.

HON. C. W. GITHUA

JUDGE

In the presence of:

The accused

Mr. Kirubi for the Accused

Ms. Susan Waiganjo, Court Assistant

No Appearance for the State