

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CRIMINAL CASE NUMBER 3 OF 2016

REPUBLIC

PROSECUTION

VERSUS

GERALD KIRIMI.....**1ST**

ACCUSED

PENINAH GAICHUGI GITONGA **3RD**

ACCUSED

RULING ON SENTENCE

1. The accused persons were convicted on the offence of manslaughter contrary to section 202 as read with section 205 of the Penal Code.
2. I have considered the circumstances of the case, the submissions by the prosecuting counsel and the mitigating circumstances set out in the pre-sentence reports.
3. The advocate for the accused persons chose not to mitigate for them and instead relied on what was noted in the pre-sentence reports.

4. Despite the findings that the court made, the said report goes ahead to re-open the defence case citing what the accused persons stated in court. That in my view, is not what a pre-sentence report is all about. The report ought to avoid wading into matters already determined by the court and only give the court facts, either aggravating or mitigating, that the court ought to consider as it sentences on accused person.
5. In the instant case, the death of the deceased was under very unfortunate circumstances. The accused persons took the law into their hands and assaulted the deceased, all because she had alleged stolen some chicken.
6. I agree with the prosecution counsel that the sentence against the accused ought to teach them not to ever think of such acts again. It is also necessary to mete a deterrent sentence, so that such incidents do not keep recurring.
7. The family of the deceased also need to see that justice has been done.
8. After considering all the factors, each accused person is sentenced to seven (7) years imprisonment. I have taken

account of the time the accused persons spent in custody prior to getting released on bond.

9. The sentences will be deemed to commence on 13th November 2025, the day they were remanded in custody after their conviction.
10. Right of appeal is explained to each accused.

Dated, Signed & Delivered at Meru this 23rd day of February, 20 26.

**H. M. NYAGA
JUDGE**