



REPUBLIC OF KENYA



**Republic v Lumara (Criminal Case E321 of 2025)
[2025] KEMC 345 (KLR) (11 December 2025) (Sentence)**

Neutral citation: [2025] KEMC 345 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
CRIMINAL CASE E321 OF 2025
PA NDEGE, SPM
DECEMBER 11, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

BENSON LUMARA ACCUSED

SENTENCE

1. The accused person herein, Benson Lumara, has been convicted upon own plea of guilty of the offences of Obtaining Goods by False Pretense contrary to section 313 of the Penal Code, Cap 63, Laws of Kenya; Malicious Damage to Property contrary to section 339(1) of the same Code and Offensive Conduct contrary to section 94(1), also of the same Code.
2. He admitted in the first charge that on 29/01/2025, at Kongasis Trading Centre, in Gilgil sub-Location within Nakuru County, with intent to defraud, he falsely represented to Margaret Wangare Ngure that he had been sent by Nancy Chepngetich to collect a 90kg bag of peas valued at Kshs. 10,800/- knowing that the representation was false, and thereafter fraudulently took possession of the said goods.
3. He further denied in the second charge that on 08/02/2025 at about 12.30pm at Kongasis trading centre in Gilgil sub-County within Nakuru County, he willfully and unlawfully damaged the windscreen of a Toyota Prado registration number KBU 077S valued at Kshs. 52,000 the property of Enoch Momanyi.
4. He finally denied in the third charge that on 30/01/2025 at about 11.30pm at Kongasis Trading Centre in Gilgil sub-County within Nakuru County, he used abusive words to Nancy Chepngetich namely ‘*mbwa, Malaya, uko na ukimwi*’ with intent to provoke a breach of the peace.
5. The pre-sentence inquiry report dated 12/11/2025 concluded that the offender is a 32-year-old resident of Kongasis in Gilgil sub-County. He is the third born child in a family of 8 siblings. He has accepted responsibility for the offence and expressed genuine remorse. His actions herein were a



result of hardship following job loss and inability to meet his basic needs. His wife remains supportive and does not oppose him being considered for a non-custodial sentence. The offender has shown commitment to change and has indicated his readiness to co-operate with the probation officer in the rehabilitation process. The report recommends a probation sentence of 12 months.

6. The accused is a first-time offender and going by the recommendations of the probation officer, I do hereby sentence him to serve 12 months' probation in each count, to run consecutively.

14 days right of appeal explained.

DATED, SIGNED AND DELIVERED AT NAKURU IN OPEN COURT THIS 11TH DAY OF DECEMBER , 2025

ALOYCE-PETER-NDEGE

SENIOR PRINCIPAL MAGISTRATE

In the presence of;

Court interpreter: Wakesho

Prosecution counsel: Konga

Accused: Present

