



**Republic v Amonyek & another (Criminal Case E018 of 2024)
[2026] KEHC 4649 (KLR) (9 April 2026) (Judgment)**

Neutral citation: [2026] KEHC 4649 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL CASE E018 OF 2024
DR KAVEDZA, J
APRIL 9, 2026**

BETWEEN

REPUBLIC PROSECUTION

AND

EDGAR AMONYEKE 1ST ACCUSED

JOSEPH CHEGE 2ND ACCUSED

JUDGMENT

1. The accused persons are jointly 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 21st December 2024 at Satelight Area, Riruta Sub-County, within Nairobi County jointly with others not before court, murdered Kevin Liherenze Kimani. They both pleaded not guilty to the charge.
2. However, following successful plea negotiations with the state, the 2nd accused Joseph Chege, 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 10th October 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. On 21st December 2024, at Satellite Area, Riruta Sub-County, the 2nd accused, jointly with the 1st accused and others not before court, murdered Kevin Liherere Kimani at approximately 5:00 a.m. Rose Thongo, a landlady at the site, visited her rental units for inspection amid ongoing renovations. The 1st accused, Edgar Amwonyaka, reported missing tools and suspected theft. Shortly thereafter, the 2nd accused also reported missing tools. Rose called her foreman and informed him of the workers' concerns. Another worker, Eric Wa Tiles, similarly raised concerns over missing tools.
4. While at the site, the 1st accused observed the deceased attempting to leave and, suspecting him of theft, stopped and interrogated him. The deceased admitted to taking electrical cables but denied taking



tools, directing the accused to recover the cables from a neighbouring plot. Thereafter, the 2nd accused, together with the 1st accused, Eric Wa Tiles, and one Maina, assaulted the deceased with PVC pipes and broken pieces of wood, demanding information regarding the missing tools. This occurred in the presence of Eric Mangeni, Jackson Amani, Maurice Ahatu, Augustina Shihomi, and Antony Njenga, who attempted to intervene. The 2nd accused struck the deceased indiscriminately while he lay on the ground, pleading for mercy.

5. The foreman, Antony Njenga, pulled the accused away and advised reporting the matter to the police, noting the deceased was not bleeding from the mouth or back of the head. Rose instructed security to lock the gate and contacted the OCS Riruta Police Station. The landlady's son-in-law, James Gaceu, directed the accused to tie the deceased while awaiting police arrival. The 2nd accused complied using metallic wire.
6. Police arrived at 14:00 hours with a scene-of-crime officer, recovered the assault weapons and electrical cables, and confirmed the deceased was dead. The body was taken to the mortuary. Postmortem examination conducted on 24th December 2024 by Dr. Omuok, certified by Stewan Kamanya, concluded that death resulted from blunt force trauma. The 2nd accused was examined by a psychiatrist on 28th January 2025 and found fit to stand trial. Exhibits included postmortem report (Exh. 1), PVC pipes (Exh. 2), broken wood (Exh. 3), electrical cables (Exh. 4), and metallic wire (Exh. 5), as well as the mental assessment report (Exh. 6).
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 stated that he is deeply remorseful for the incident, emphasising that the killing was unintentional. He noted that a letter of apology was sent to the victim's family, who have forgiven him. Further, that he is 27 years old, and the sole breadwinner of a family including a four-year-old child, and his incarceration has caused significant hardship. In addition, he had secured employment as a plumber and has engaged in training while in custody, producing certificates of merit as evidence of rehabilitation. The accused apologised directly to the victim's family, expressed regret for the consequences of his actions, and requested a lenient sentence to allow him to continue supporting his family and pursue further education.
9. Ms. Timoi for the prosecution submitted that this case demonstrates the dangers of mob mentality and mob injustice. She noted that, while the apology is acknowledged, a life was lost, leaving two children fatherless and two parents bereaved, the deceased having been the family's breadwinner. She emphasised that such conduct cannot go unpunished and urged the court to impose a custodial sentence. She further noted that, should any party feel aggrieved, there is a proper legal process to address grievances.
10. The deceased's mother, Irene Wakonyo stated that the deceased, her first-born son Kevin Lihereze, was her beacon and that his death has caused her immense grief and ill health. She is now responsible for his children, aged 17 and 10, with the younger child in grade 10 living with the mother. The accused's family contacted her, and she travelled from Kakamega to Kikuyu, with her brother facilitating the meeting. During discussions, she read a letter of apology from the accused and accepted his apology, recognising his youth. It was agreed that the family would provide condolence payments: Ksh.150,000 was received by her daughter Brenda, with the remaining Ksh.150,000 held by her advocate.



11. The social inquiry report on record indicates that the deceased was polite, hardworking, and the primary financial supporter of his family, whose emotional, psychological, and financial distress has been severe. The victim's family confirmed that the offender's family agreed to pay Kshs. 300,000 as compensation, with Kshs. 150,000 due before 27th January 2026 and the balance by the end of February 2026. However, no payment had yet been made due to the deceased's mother lacking a bank account and seeking court guidance on depositing the funds into her elder daughter's account. The family emphasised the seriousness of the offence and left forgiveness to the court's discretion, conditional on full compliance.
12. The local administration reported that the accused was generally well-regarded, with no prior criminal record. The Area Chief of Ruathia Location, familiar with the offender, described him as of good character, calm, and previously law-abiding. The Chief noted that the offence was out of character and highlighted the hardship his family has faced during his incarceration, as he was the primary breadwinner, supporting consideration of a non-custodial sentence.
13. The social inquiry concluded that the offence arose from a spontaneous confrontation at a construction site following theft, was not premeditated, and occurred in the heat of the moment. The offender had shown genuine remorse, engaged in rehabilitative programs, and participated in reconciliation discussions, indicating a positive potential for reintegration into society.
14. 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.
15. The court of Appeal in *Charo Ngumbao Gugudu -vs- Republic* [2011] eKLR held as follows: -

“Further the law is that sentence imposed on an accused persons must be commensurate in the moral blame worthiness of the offender and that it is thus not proper exercise for the court to fail to look at the facts and circumstances of the case in their entirety before setting for any given sentence (See *Ambani -vs- Republic* (1990) eKLR.)”.
16. The evidence on record shows that tension between the 2nd accused and the deceased had been building over time, rooted in a confrontation at a construction site regarding missing tools. On the material day, the deceased was intercepted by the 2nd accused and others after being suspected of involvement in the disappearance of property from the site. This suspicion, reinforced by prior reports from workers, escalated the situation and created a highly charged environment.
17. The deceased explained that he had removed only electrical cables and not the missing tools. However, the surrounding circumstances, including the aggressive behaviour of the 2nd accused and others, made his account appear less persuasive, and contributed to the ensuing physical confrontation.
18. Upon interception, the 2nd accused, together with co-accused and others, assaulted the deceased with PVC pipes and pieces of wood, despite his pleas and efforts by bystanders to restrain them. The assault was sustained and indiscriminate, causing severe injuries that ultimately resulted in the deceased's death.
19. Acting under heightened emotion, the 2nd accused participated in repeated strikes on the deceased, who was restrained and begging for mercy. The medical evidence confirms that death resulted from blunt force trauma, notwithstanding efforts by bystanders to intervene and render aid.



20. While the act was not premeditated, the accused failed to exercise restraint when an opportunity arose, and the incident demonstrates elements of excessive force.
 21. In sentencing, the Court has weighed mitigating factors, including the accused's youth, first offender status, genuine remorse, participation in rehabilitation, and reconciliation with the victim's family, against the gravity of the offence and the loss of life. The Court acknowledges the profound impact on the deceased's family, who have suffered emotional, psychological, and financial hardship.
 22. Having considered all circumstances, including the prospect of rehabilitation, the 2nd accused Joseph Chege is sentenced to serve five (5) years imprisonment to run from 21st December 2024, the date of his arrest pursuant to section 333(2) of the Criminal Procedure Code, Cap 75 Laws of Kenya.
- Orders accordingly.

JUDGEMENT DATED AND DELIVERED IN OPEN COURT THIS 9TH DAY OF APRIL 2026

D. KAVEDZA

JUDGE

In the presence of:

Accused Present

Ms. Timoi for the State

Karimi Court Assistant.

