



REPUBLIC OF KENYA  
 IN THE HIGH COURT OF KENYA AT MAKUENI  
 COUNTY COURT NAME: MAKUENI HIGH COURT  
 CASE NUMBER: HCCRC/E004/2024  
 THE REPUBLIC VS MUTETI MUTUNGA

RULING

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT**  
**MAKUENI**  
**CRIMINAL CASE NO E004 OF 2024**

**REPUBLIC**  
**C**  
**VERSUS**

**MUTETI MUTUNGA.....ACCUSED**

**SENTENCE RULING**

1. The Accused Person is charged with *Murder Contrary to **Section 203 as read with Section 204 of the Penal code (Cap. 63) Laws of Kenya.*** He was tried and found guilty of the murder of his wife Grace Ndanu and was convicted accordingly.
2. The court heard his mitigation and also sought a pre-sentence report from the

Probation and After Care Services, PACS.

3. I have carefully considered the mitigation, and the pre-sentence report.
4. The PACS Officer recommends a non-custodial sentence of 3 years on Probation Supervision.
5. This is an offender who, from the report, in a fit of anger, out of an argument with his wife picked a jembe and violently hit her on the head fracturing her skull, breaking part of her spine. She also had other injuries, broken hand and injury on face most probably sustained when trying to defend herself.
6. True, he has expressed remorse. His children with the deceased are now in a Children's Home but the offence he committed was against his unarmed wife and cannot go unpunished. He was not acting in self defence but violently attacked her causing her death.
7. Is a non-custodial sentence suitable in the circumstances?

In the circumstances of this offence and mitigation by the accused and the time spent in custody since his arrest, he is sentenced to serve 25 years' imprisonment less the period already spent in custody in accordance with s. 333(2) of the Criminal Procedure Code.

Dated , signed and delivered virtually on 5th March 2026

Mumbua T Matheka

Judge

CA Chrispol/Daniel

Accused Present

Mr. Judah Kioko for accused

Ms. Amol for State

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SIGNED BY/FOR:  
LADY JUSTICE MATHEKA, TERESIA MUMBUA

