



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MACHAKOS
CRIMINAL CASE NO. E027 OF 2021

REPUBLICPROSECUTOR

VERSUS

FAITH KAMBUA KYANIA.....ACCUSED

SENTENCE

I have considered the circumstances of this offence, the plea in mitigation and the sentiments expressed by the Prosecution Counsel, in conduct of this case, as well as the probation report dated 29th April 2026. It is instructive that the accused person entered into a plea agreement and is therefore entitled to some level of leniency for this offence.

The Probation Report and the learned Prosecution Counsel confirmed that the accused is a first offender and that she had no criminal tendencies. In fact the Probation Officer describes the commission of this offence as situational. The circumstances of the offence speak of this and indeed the accused has expressed remorse for what she did. The probation officer recommends a non-custodial sentence.

The family of the victim has expressed fear for their lives in the event of a non-custodial sentence but in my view that is something that the authorities can deal with should a situation arise. The accused person has in any event been on bond and so far nothing that threatens their security has arisen otherwise it should have been reported to this court to cancel the bond.

I am satisfied that the accused person is suitable for a non-custodial sentence, but that at the same time she shall require rehabilitation and supervision. In the premises the accused person is placed on probation for a period of three (3) years.

She is however cautioned that should she pose any danger to the family of the deceased or violate any of the conditions of the probation order, she shall be liable to be sentenced for this offence.

It is so ordered.

Sentence signed, dated and delivered virtually on this 29th day of April 2026.

E. N. MAINA
JUDGE

IN THE PRESENCE OF:

Mr. Masila for the State

Mr. Mwangi for Nyaata Adv. for the Accused

The Accused person

ORIGINAL