



**Republic v Musyimi (Criminal Case E029 of 2024)  
[2026] KEHC 5231 (KLR) (23 April 2026) (Ruling)**

Neutral citation: [2026] KEHC 5231 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MURANG'A  
CRIMINAL CASE E029 OF 2024  
CW GITHUA, J  
APRIL 23, 2026**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**JASCKSON KOMO MUSYIMI ..... ACCUSED**

**RULING**

1. The accused, Jackson Komo Musyimi was arraigned in court on 21<sup>st</sup> August 2024 charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. At the time of his arraignment, he was a minor aged 16 years. He pleaded not guilty to the charges.
2. The trial thereafter proceeded with him being treated as a minor.  
On 2<sup>nd</sup> March 2026, under a plea bargain agreement dated 16<sup>th</sup> February 2026, he pleaded guilty to the lesser offence of manslaughter and a finding of guilt was entered. Subsequently, when mitigating on behalf of the accused, his learned counsel Mr. Dennis Maina, disclosed to the court that the accused had already attained the age of majority.
3. That said, turning to the facts of the case, I must start by observing that they are truly sad and distressing. The facts reveal that the deceased was the accused’s maternal grandfather. At the time the accused committed the offence, his parents had separated and were living in different locations. The accused was living with his maternal grandparents at Mugumo village, Ithanga Sub- County.
4. On 16<sup>th</sup> July 2024 at around 8.00 p.m, the deceased returned home from his errands and found window panes in his house broken. He was informed that it was the accused who had broken them. He confronted the accused and the two had an altercation which escalated into a physical fight. In the course of the fight, the accused picked a piece of wood and hit the deceased with it on the head killing him instantly. And as if this was not enough, he proceeded to burn his grandparent’s house. Several household items were burnt before the fire was extinguished by members of the public. As he



was running away from the scene, he assaulted his uncle with the same piece of wood he had used to kill his grandfather but fortunately, he was arrested by members of the public who had gathered at the scene. Mob justice was administered on him before he was rescued by police officers from Ithanga Police Station.

4. The police officers collected the deceased's body and took it to Ndithini Mortuary for preservation. An autopsy undertaken thereafter confirmed that the deceased's cause of death was blunt force trauma on the head.
5. In his plea in mitigation on behalf of the accused, besides confirming that the accused had attained the age of majority, Mr. Maina submitted that in hitting his grandfather, the accused did not intend to kill him but was acting in self-defence.
6. Further, counsel requested the court to note that at the time the offence was committed, the accused was facing difficult personal challenges brought about by his upbringing in a dysfunctional family which exposed him to poverty and drugs; that he was a young first offender who had a full life ahead of him. He urged the court to exercise leniency and grant him a non-custodial sentence arguing that as he had undergone counselling together with his mother, he was going to benefit from some social support if he was given a non- custodial sentence.
7. I have carefully considered the facts of this case and the plea in mitigation offered by counsel on behalf of the accused as well as the findings made in the pre-sentence report. A close scrutiny of the pre-sentence report shows that the accused was not suitable for a non-custodial sentence given his unpredictable and violent behaviour mostly caused by drug abuse which had negatively impacted on his mental health.
8. The report which I have no reason to doubt further shows that if released on a non- custodial sentence, the accused's safety and that of his immediate family members or members of the public at large may be compromised given that, when out of bond in this case, he threatened the life of his maternal grandmother. It is reported that his violent disposition led his mother to take him to Mathari Psychiatric Hospital for treatment but he escaped before he was treated. When escaping from the hospital, he had an accident thus his absence from court on 2<sup>nd</sup> April 2025 when the case was scheduled for mention.
10. In my view, the circumstances in which the offence was committed is further testament to the accused's volatile and violent disposition. Without much thought, he not only killed his maternal grandfather who had taken him under his wings but also proceeded to torch his grandparent's house and assault his uncle. The claim that he was acting in self defence cannot be true since it is not borne out by the facts of the case as narrated by the prosecution which the accused voluntarily admitted to be true. The claim in my opinion is an afterthought.
11. Having considered all the mitigating and aggravating factors in this case including the fact that the accused was a first offender and was a minor when he committed the offence but is now being sentenced as an adult. I am persuaded to find that the aggravating factors far outweigh the mitigating ones making the accused unsuitable for a non-custodial sentence. I agree with the recommendation made in the pre-sentence report that the accused needs institutionalized rehabilitation. This will give him an opportunity to introspect and reflect on his life and help him overcome his drug abuse problem. From the material placed before the court, it is evident that the environment in which he is currently living in or exposed to is not conducive for his rehabilitation.
12. . For all the foregoing reasons, I am satisfied that a custodial sentence is the only sentence that will help the accused learn from his mistakes and transform him into a responsible law abiding citizen. Having



made this finding, i hereby exercise my discretion and sentence the accused to serve a period of 6 years imprisonment. Computation of this sentence shall take into account the eight months he had spent in lawful custody before he was released on bond.

13. After completing the above sentence, the accused shall be placed on probation for a period of three years under supervision of the office of the Director of Probation, Muranga County.

It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY THIS 23<sup>RD</sup> DAY OF APRIL 2026.**

**HON. C. W. GITHUA**

**JUDGE**

In the presence of:

The accused

Mr. Dennis Maina for the Accused

Mr. Mwangi for the State

Ms. Susan Waiganjo, Court Assistant

