

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KIAMBU**  
**CRIMINAL CASE NO. 014 OF 2025**

**REPUBLIC.....PROSECUTOR**  
**OR**

**VERSUS**

**NAFUNA ANGELA.....ACCUSED**

**RULING ON SENTENCE**

1. The accused were initially charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code; upon a Plea Bargain Agreement being entered this charge was then reduced to manslaughter.
2. The Plea Bargain Agreement dated 28/10/2025 was adopted by the Court upon being satisfied that the accused person had understood the contents and that she had executed it voluntarily without promise or benefit of any kind and without threats, force, intimidation or coercion of any kind.
3. The accused was charged with having unlawfully killed **MUIMAYI GEOFFREY** on the night of 20<sup>th</sup> July, 2025 at Matugua Village in Githunguri Sub County within Kiambu County.

4. The facts as narrated by the Prosecuting Counsel are as follows; The accused and deceased were friends and were romantically involved and both came to Kenya together in search of work. They settled in Githunguri Sub-County and were employed separately; The accused used to visit the deceased on Sundays where he resided. They agreed to pool their salaries together to save to buy a cow back home to help increase their earnings so as to maintain their children
5. The accused discovered that the deceased was misusing their savings as he was involved with another woman and he was using this money to pay her rental. This created problems in their relationship. On the 20/07/2025 the accused visited the deceased and a disagreement ensued which generated into a fight; The accused took a knife and stabbed the deceased. Unfortunately, despite neighbors rushing in to intervene the deceased died on the spot. They arrested the accused and handed her over to Githunguri Police Station.
6. On 23/07/2025 a post-mortem was conducted and the cause of death was established to be excessive haemorrhaging from

a stab wound to the lung; the Post Mortem Report was produced into court and was marked as **'PExh.1'**.

7. The accused stated that the facts as narrated were true and correct and the Court proceeded to convict her on her own plea of **'Guilty'** for the offence of Manslaughter c/s to Section 202 as read with Section 205 of the Penal Code.
8. The accused was represented by Learned Counsel Ms Wanjiru whereas Mr. Gacharia was the Prosecuting Counsel for the State; Both Counsel were invited to make submissions before sentencing; The accused's Counsel and Prosecuting Counsel for the State requested that a Pre-Sentencing Report be prepared to assist the Court in passing an appropriate sentence.
9. Counsel submitted that the accused was profoundly remorseful and had willingly accepted responsibility for her actions by pleading guilty to the manslaughter charges and by doing so had saved the Courts time and conserved judicial time and resources and the accused had spared the deceased's family the ordeal of a full trial; the offence was not planned and there was no malice. She pleaded for

leniency as the circumstances leading to the demise of the deceased was not pre-meditated.

10. She had no prior convictions or criminal history and prayed for a lenient sentence preferably non-custodial and urged the Court to give her a second chance to enable her to reintegrate back into society to enable her to take care of her family.
11. Prosecuting Counsel relied on the Pre-Sentencing Report and submitted that it be utilized to assist the Court when passing sentencing.

### **ANALYSIS**

12. The applicable law on sentencing for the offence of manslaughter is found under the provisions of Section 205 of the Penal Code which reads as follows;

***‘Any person who commits the felony of manslaughter is liable to imprisonment for life’***

13. It is the duty of this Court to impose a sentence that meets the facts and circumstances of the case; The aggravating factors are the accused’s continued abuse of substances such as alcohol and what contributed to her mental state

that led to a life being lost; The mitigating factors are that the circumstances leading to the unfortunate incident demonstrate that the accused had no premeditated intention. By accepting the Plea Bargain Agreement the accused had not wasted judicial time and spared the deceased's family from further trauma.

14. Other factors taken into consideration is the Victim Impact Assessment Report. Having perused the Report it is noted that the accused had not taken reconciliatory steps with the victims' family and that they had not come to terms with their son's demise. They were now suffering hardship due to the demise of their sole breadwinner.
15. The accused is a young lady aged 25 years; the prosecution had no previous records and it was submitted that she be treated as a first offender.
16. In the light of the above, this Court is satisfied the accused is best suited to serve a custodial sentence to enable her reflect on the offence committed and also the custodial sentence will act as a deterrent to those who settle

interpersonal disputes through violence. The Court finds the appropriate sentence to be that of five (5) years.

17. The accused is found to be deserving of the benefits of Section 333(2) of the Criminal Procedure Code and the period spent in remand be deducted from the term of imprisonment.

### **FINDINGS & DETERMINATIONS**

18. Having taken all factors into consideration this Court makes the following findings and determinations: -

- (i) The accused is hereby convicted on his own plea of guilty for the offence of Manslaughter;
- (ii) The accused is hereby sentenced to a Five (5) year custodial sentence.
- (iii) The period spent in remand from the date of arrest (28/07/2025) be deducted from the sentence.

Orders Accordingly.

**DATED, SIGNED AND DELIVERED VIA TEAMS AT VOI THIS  
15<sup>th</sup> DAY OF MAY, 2026.**

**A. MSHILA**

## JUDGE

### **In the presence of;**

- Court Assistant
- Prosecuting Counsel for the State
- for the Accused

Accused - present in custody

2<sup>nd</sup> Accused - present in custody Langata Womens

ORIGINAL