

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MURANG'A
CRIMINAL CASE NO. E024 OF 2022

REPUBLIC.....
PROSECUTION

VERSUS

SAMSON MUKIRIA MWANGI MWANGI.....
ACCUSED

RULING ON SENTENCE

1. The accused, SAMSON MUKIRA MWANGI, was charged with the offence of murder contrary to **Section 203 as read with Section 204 of the Penal Code** and was convicted on his own Plea of Guilty with the offence of **manslaughter contrary to Section 202 as read with Section 205 of the Penal Code** under a plea bargain agreement dated 26th November 2025 executed on behalf of the state and the same was presented in court on 16th December 2025.
2. The particulars supporting the charge were that on 2nd day of September 2022, at an unknown time at Kirimahiga Village, Gatunguru Location within Murang'a County, the accused caused death of *Joyce Wangari*
3. The brief facts of the case are that the accused and deceased are son and mother. On 2nd September 2022 an altercation arose between the two when the accused wanted to forcibly pick tea from the deceased's shamba. In the heat of the moment the deceased hit the accused with a fork jembe and the accused died instantly. The accused buried the deceased in a shallow grave in the shamba. The deceased's nieces

discovered that the deceased was missing and alerted the villagers and a search was mounted a search. The shallow grave was discovered. The deceased's body was exhumed and accused was arrested. Post mortem was conducted and cause of death was found to be asphyxia due to manual strangulation and head and neck injuries due to multiple sharp force trauma. The Pm report was produced as exhibit 1 and mental assessment report as exhibit 2.

4. Ms Murira Counsel for the accused in mitigation stated that the accused has accepted responsibility by entering plea bargain thereby saving judicial time. That he has expressed remorse, and tendered an apology to the family as the incident was not premeditated. It is further stated that the accused has no previous record and prays for leniency.
5. The court is also seized of a pre-sentence report dated 17th March 2026 which indicates is *inter alia* that the accused lacks family support and is not suitable to serve a non-custodial sentence. Due to circumstances explained in the report.
6. I have carefully considered the facts of this case and the circumstances in which the offence was committed. It is unfortunate that the victim in the circumstances was the accused's mother. I have also considered the accused's plea in mitigation, including his age of 49 years and his family background and circumstances. I have also taken into account the objectives of sentencing as set out in the Judiciary's Sentencing Policy Guidelines which includes retribution, rehabilitation, restorative justice, community protection and denunciation.
7. That said, I would like to point out at this juncture, that the offence of manslaughter is a serious offence which attracts a maximum sentence of life imprisonment. In as much as I have

taken due consideration of the accused's plea in mitigation and given the facts of this case, I find that a non-custodial sentence as proposed in his plea in mitigation would not be appropriate for the accused in this case.

8. Taking into account all relevant factors, including the fact that the accused has been in custody for a period of three years and six months pending trial. ***I hereby sentence the accused to serve twelve (12) years imprisonment. The sentence will take effect from 29th January 2022 when the accused was first arraigned before this court.***

Dated, Signed and Delivered Virtually on this 14th day of May 2026.

**HON. T. W. OUYA, OGW
JUDGE**

In the presence of:

Ms. Murira for the Accused
Accused present at Murang'a Main prison
Ms. Ongaki for the state
Kevin/Hamza - Court Assistants