

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MURANG'A
CRIMINAL CASE NO. E005 OF 2022

REPUBLIC.....
PROSECUTION

VERSUS

NANCY WANJIRU MWANGI.....
ACCUSED

RULING ON SENTENCE

1. The accused, NANCY WANJIRU 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 her 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 executed on behalf of the state and the same was presented in court on 17th December 2025.
2. The particulars supporting the charge were that on 31st January 2022, 2016 at Kambugi Village, Kambirwa Location within Murang'a County, the accused caused the death of *Samuel Waiganjo Wanyoike*.
3. The brief facts of the case are that the accused and deceased lived as husband and wife and had three children together. On 31.12.2022 at 10pm, the deceased came home inebriated and they had an argument with the accused which escalated and the accused sort for help from her mother-in-law. The deceased was threatening to burn the accused's clothes.
4. Ultimately, the accused took a knife and stabbed the deceased on the chest and he collapsed and died on the spot.

Officers from Murang'a police station were called and carried the body away.

5. Post mortem was performed and the cause of death was found to be chest injury secondary to penetrating sharp force injury consistent with physical assault. Post mortem report exhibit number 1 was produced.
6. The accused was arrested and referred for psychiatric evaluation and the report indicates that she was fit to stand trial as evidenced by exhibit number 2 which was produced in court. Upon investigations, the officers recovered the knife that was used to kill the deceased. The same was blood-stained as was evidenced by the government chemist report produced as exhibit no. 3. Further, the government analyst report confirmed that the blood stains matched the DNA blood sample of the accused and exhibit memo and report were produced as exhibit nos 4 & 5.
7. Ms. Gachango, Learned Counsel for in her plea in mitigation on behalf of the accused submitted that the accused the accused has taken responsibility for her actions by pleading guilty to the lesser offence thereby saving court time. And showing remorsefulness. She submitted that it was not a premeditated but was as a result of provocation and reaction to gender -based violence. That prior to the incident, the accused had previously attacked the deceased severally thereby provoking her reaction. That it was unfortunate that the outcome was tragic but was provoked by volatile abusive environment.
8. She urged the court to take into account that that the accused has been in custody since January 2022. That the accused's three children and of tender age currently in the care of the accused's mother and mother-in-law and that the court should consider a lenient

9. The court is also seized of a pre-sentence report dated 13th October 2025 which indicates that there have been moves towards reconciliation of the two families and that the accused is not considered as threat to her family. It is indicated that the accused has been suffering from hyper tension and high blood pressure requiring consistent medical attention. It is also stated that the accused is remorseful and ready for reform.
10. The upshot of the report is that the accused stands to benefit from a non-custodial sentence as appropriate treatment can be designed to address alcoholism and anger management.
11. I have carefully considered the facts of this case and the circumstances in which the offence was committed. I have also considered the accused's plea in mitigation, including her age of 34 years and her 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.
12. 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 be appropriate for the accused in this case.
13. Taking into account all relevant factors, including the fact that the accused has been in custody for a period of four (4) years pending trial, ***I hereby sentence the accused to serve seven (7) years imprisonment. The sentence will take effect from 22nd January 2022 when the accused was first arraigned before this court. Taking into account***

that the accused has served sentence for a period of four years, the remaining period will be served under probation for purposes of her rehabilitation.

Dated, Signed and Delivered Virtually on this 13th day of May 2026.

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

In the presence of:

Ms. Ongaki for DPP

Ms. Gachango for Accused

Accused present at Murang'a Women Prison

Kevin/Hamza - Court Assistants