



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

HIGH COURT CRIMINAL CASE NO. 005 OF 2024

REPUBLIC.....ODPP/PROSECUTOR

VERSUS

HOSKIN SAVATIA LIHANDA

(ALIAS TONNY ALIAS TOSH).....ACCUSED

PERSON

JUDGMENT

PLEA BARGAINING AGREEMENT FILED ON

11TH NOVEMBER 2025

INFORMATION

1. The Accused Person herein Hoskin Savatia Lihanda is charged with the offence of Manslaughter Contrary to Section 202 as read with Section 205 of the Penal Code Cap.63 Laws of Kenya.

2. Particulars of the offence being that on the 26th December 2023, at Mogas Hamza area in Kamukunji Sub County within Nairobi area the Accused person, unlawfully killed **GRACE NYAMBURA WANJIRU**.

The Plea Bargain Agreement was executed on 11th November 2025 by:

1. The Accused person - Hoskin Savatia Lihanda
2. Ms Brenda Amunga Advocate for the Accused Person.
3. Ms Gikui Gichuhi, Head of Homicide ODPP and
4. Ms Roselyne Tum - Prosecution Counsel-ODPP

The charge was reduced from that of murder c/s 203 & 204 Penal Code filed on 12/1/2024 to lesser charge of Manslaughter c/s 202 & 205 of Penal Code on 18/2/2026

COURT PROCEEDINGS

On 7/5/2024, the Report from Dr Olando Consultant Psychologist from Mathari National Referral Hospital dated 5/3/2024 he found the Accused person FIT TO PLEAD.

On 27/11/2024, the Defense Counsel for Accused person requested pursuit of Plea Bargain with/through ODPP, culminating with the instant Plea Bargain Agreement duly executed by all parties on 11/11/2025.

Information/charge was read to the Accused person vide the charge read in Kiswahili.

The statement of offence and particulars of offence read in Kiswahili by ODPP - Ms. Tum to the Accused Person in Kiswahili

Accused - Ni kweli - I admit the charge.

FACTS:

Ms Tum ODPP: facts in open court.

The accused person Hoskim Savatia Lihanda and Grace Wanjiru Nyambura cohabited together as man and wife. In November 2023 Praxides Jedida Wanjiru confirmed she had not seen or heard from her sister (deceased). When she met her sister Praxides, she noticed when her sister visited, she noticed she had a swollen face, injuries on the right eye and injuries on the leg. The deceased told her sister that the accused person shaved her hair with a knife and but beat her up. Praxides talked with the Accused and the matter was resolved.

On 26 December 2023, Praxides met with the accused and deceased at Pub in Hamza Area. The accused wore white jeans, white cap and white Sports shoes. The deceased left the pub and went with Mariam Nambozo to town.

.The accused asked Susan Karura Kanyi where deceased was. The accused said “Na ujua leo kuna mtu atamwaga damu”.The deceased came and went home with accused, from the pub.

On 27/12/2023 the accused came back from work and found the house locked while deceased was in. He reported to Jogoo Police Station OB No. 30/27/12/2023.

The accused was accompanied by village elder Mr Peter Mwangi to the house. The Accused pushed the door with his leg and on entering found deceased died. The police from Jogoo Police Station and DCI Buruburu came and found the deceased with injuries in the body, swollen face and blood oozing from the ears.

Upon searching the house, blood stains were in the floor, bed sheet with blood white jean long trouser had blood the accused had the previous day and had blood was on white sports shoes and a broken piece of wood with blood stains was recovered outside the house near the chicken coop.

CPL Roselyne Opondo noticed that there was no forced entry to the house as alleged by the by Accused. The body of the deceased person was moved to City Mortuary. The accused was arrested and charged with the offence at Makadara Law Courts.

On 29/12/2023 Praxidies Jedida Wanjiru and Jane Watiri Wanjiru identified deceased body and post mortem was conducted and it was established that the deceased died from head injury due to blunt force object.

The body had multiple wounds and abrasions and lacerations from blunt object.

Post mortem report- Exhibit 1.

Accused: I understand the facts as read in English.

Gladys Court Clerk explains **Section 137 Criminal Procedure Code** and the accused herein was not threatened, induce or forced to enter the plea bargain.

Accused person states in Kiswahili-‘Ni ukweli’ translated-

The facts as read are true.

COURT

The Court enters plea of guilty on the lesser offence of manslaughter under Section 202 and 205 Penal Code as pleaded guilty for charge and facts as read by ODPP.

This Court is satisfied the Plea Agreement was voluntary as the Accused person took plea in Court and admitted the reduced charge. The facts were read to him in Court and he admitted the facts. The Court

asked the Accused if he was coerced influenced or intimidated to plea bargain and informed Court it was voluntary. The accused was within his rights as spelt out by Section 137 CPC and therefore plea bargained to the lesser charge of manslaughter.

VICTIM FAMILY VIEWS

JOYCE OLISA ID 20025774 I live in Hamza now I had moved to Jericho- Jogoo Road. Grace Nyambura Wanjiru was my 3rd child/daughter. She is my cousin. I was informed that the accused person has changed the plea. I am in pain. The accused left 4 children, 3 daughters and 1 boy (in court).

Joseph Minai- 1st born.

Nugal Nyambura- 2nd born.

Nancy Apondi- 3rd born.

Shunzi Munai- 4th born.

The children are in court and they are suffering. We want the accused person to proceed with the case. He killed my cousin and he left the daughter/cousin.

PRAXIDES WANJIRU ID 21830544

The late Grace Nyambura Wanjiru deceased was my younger sister-the deceased was our hope and she left

and she helped us and got food and clothing shelter and we went through a lot when she died. I am of the opinion that the case goes on.

Ms Tum ODPP: The issued raised by the family of the deceased. I will give the way forward regarding the plea Agreement.

PRE-SENTENCE PROCEEDINGS

Mr. Bickoh ODPP - I want to inform the court that deceased had 4 children prior to her death. She faced various instances of domestic violence before her death by the Accused person. Since then, 2 children have dropped from school. We pray for a severe sentence.

He has no previous conviction and sentence. 1st offender.

Mrs. Amunga for the Accused Person - On behalf of the Accused person he is remorseful. He is 1st time offender and at the time of the act, the Accused was intoxicated as captured in the Pre-sentence Report. The Accused is a family man and sole bread winner a father of 2 and we are to be allowed to produce copies

of birth certificate (I withdraw the others one from the court record).

While in prison engaged in Muslim Madarasa (Muslim) and we filed the same Report. We seek the court looks at the Report of In-charge of Prison Nairobi Remand Area; filed on 14/4/2026 which shows marked improvement in character and urge the court to take the same into account. We pray for lenient sentence on behalf of the Accused person.

SENTENCE

The court has considered the evidence/sentiments of both Prosecution and the Defence. The Facts read by ODPP in the Plea Bargain indicate the painful and premeditated process that culminated in deceased's demise coupled with previous instances of domestic violence. The Report of the Accused/Applicant during custody show positive change in character and probability of rehabilitation as he is of Muslim Faith. He is a family man with 2 children. However, with on the other hand the deceased was a mother of 4 children left orphan, uncared for, she was a sister daughter friend neighbour to others and died due to no fault of her own. The court must dispense justice as a life was wantonly lost. The Accused is hereby sentenced to

serve 15 years imprisonment and the computation of sentence shall include the period in custody with effect from 16/1/2024 to date as provided Section 333(2) Criminal Procedure Code.

**RULING DELIVERED SIGNED & DATED IN OPEN
COURT HIGH COURT CRIMINAL DIVISION-NAIROBI
ON 4/5/2026**

**M.W. MUIGAI
JUDGE**

ORIGINAL