



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Liona (Criminal Case E005 of 2023)
[2025] KEHC 4119 (KLR) (27 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 4119 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT THIKA
CRIMINAL CASE E005 OF 2023
FN MUCHEMI, J
MARCH 27, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

SALOME AGEYO LIONA ACCUSED

RULING

Brief Facts

1. The accused person was initially charged with the offence of murder contrary to Section 203 as read with Section 204 of the *Penal Code*. Later, he pleaded guilty to a lesser charge of manslaughter following signing of a plea agreement that was filed in court on 28th January 2025. The record shows that the offence was committed on the 21st day of September 2023 according to the charge.
2. The facts of the case are that on 21st September 2023, at around 22.00 hrs, a report was made at Mugutha Police Station by the Chief Security Officer of Coffee Research Institute Ruiru, one Naftali Kauna to the effect that there was a lady who had been stabbed to death by the accused person at the institute. Police officers rushed to the scene and found the body of the deceased lying down with a kitchen knife stuck inside the front side of her chest. At the scene it was established that the deceased was fatally stabbed by the accused person who disappeared immediately after the incident. Investigations and statements from the witnesses revealed that the accused person suspected the deceased had a love affair with her husband one Dennis Wanjala and for that reason, she had attacked the deceased with a knife and fatally injured her. The accused person later surrendered herself to the SCCIO's office on 15th November 2023 and was booked at Juja Police station. The post mortem was conducted on 28th September 2023 and it was established that the cause of death was chest injury due to single penetrating sharp force trauma consistent with homicide.



3. The accused person admitted the facts of the case as presented by the prosecution. In mitigation, the defence counsel Ms. Kabao told the court that the accused person was remorseful and requested that the court take into consideration the time saved by the accused person in entering into plea bargain instead of going through a full trial. The defence further stated that the circumstances that led to the accused person committing the offence were unique urged the court to give him a non-custodial sentence. He added that the accused has two young children who depend on her.
4. The prosecution submitted that the accused person is a first offender and called for a deterrent custodial sentence. The prosecution said that the accused person was not remorseful as she had not attempted to apologize to the victim's family since the date of the incident. The deceased's family was said to be still traumatised as the deceased left behind a four (4) year old child. The prosecution said that the offence was serious and that the accused deserved deterrent sentence so that the same would deter future offenders.
5. The pre-sentence report dated 18th February 2025 provided that the accused person did not have any remorse for her actions. She pleaded to be released to go and take care of her children. The report further indicates that the victim's family is angry and bitter on the untimely death of the deceased who left a toddler currently at the care of her mother. The mother of the victim called for justice to be served and did not support the pleas of a lenient sentence. Therefore she states that the accused needs to be held accountable through being given an imprisonment for life sentence. The report further indicated that the accused person had prior knowledge of the alleged affair between the victim and her husband and had confronted the victim several times on the issue before the incident. The report recommended that the accused person is unsuitable for a non-custodial sentence considering the severity of the offence, her lack of remorse and the impact of the offence on the victims. The report recommends maximum custodial sentence for the accused to serve as a deterrence.
6. Considering the factors set out in Judiciary Sentencing Policy in regard to sentencing as well as the mitigation of the accused person and the submissions of the prosecution; it is considered view that a non-custodial sentence will not be appropriate in this case. It is imperative to note that a life was lost in circumstances where a solution would have been found through dialogue between of the parties. A deterrent sentence is appropriate in this case for would be offenders prevalence of such wild and violent reactions.
7. By the act of pleading guilty to the offence, the accused person saved the precious time of the court which is a factor that this court takes into consideration in mitigation of the sentence to be imposed on the accused.
8. The record shows that the accused has been in custody since the date arrest being 15th November 2023. Pursuant to the provisions of Section 333 of the *Criminal Procedure Code* the accused is entitled to this benefit in his sentence.

Sentence

9. The accused person is hereby sentenced to serve fifteen (15) years imprisonment to commence from the date of arrest, the November 15, 2023.
10. It is hereby so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT THIKA THIS 27TH DAY OF MARCH 2025.

F. MUCHEMI



JUDGE

