



**Republic v Wanjiku & another (Criminal Case E002 of 2024)
[2025] KEHC 4118 (KLR) (27 March 2025) (Sentence)**

Neutral citation: [2025] KEHC 4118 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT THIKA
CRIMINAL CASE E002 OF 2024
FN MUCHEMI, J
MARCH 27, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

PETER NGUGI WANJIKU 1ST ACCUSED

BENSON NJOROGE NGUGI 2ND ACCUSED

SENTENCE

Brief Facts

1. The 1st accused person pleaded guilty to a lesser charge of manslaughter following signing of the plea agreement that was filed in court on 4th December 2024. The record shows that the offence was committed on the 6th day of December 2023 according to the charge.
2. The deceased persons were killed on the same evening in the house and compound of Peninah Wairimu Ngugi the deceased in Count I and grandmother of the 1st accused. The deceased in Count II, Pauline Njeri Ngugi was the daughter of the deceased in Count I and auntie to the 1st accused. As for the deceased in Count III, she was the house help of the deceased person in Count I at the material time.
3. Briefly, the facts were that on 13th December 2023 at around 13.00 hours, members of the public from Matathia village area in Maguguni location of Thika East Sub County reported at Maguguni police post that there was a foul smell and swarm of flies at the homestead of one elderly woman known as Penina Wairimu Ngugi (deceased). The police went to the said home and upon arrival at the scene, the police officers with the help of the area chief broke the rear door of the main house and found two decomposing bodies at the corridor towards the bedroom. The bodies were identified by the neighbours as those of Penina Wairimu Ngugi and her daughter Pauline Njeri Ngugi. The police searched the premises and found two kitchen knives dumped at the front side of the house. 4 woman later came from downstream and told the police officers at the deceased's home that she had seen a



- decomposing body buried in a shallow grave at banana plantation some few metres from the main house surrounded by dogs. The police officers and the area chief went to the banana plantation and found a body there which was identified as that of the house help of Penina Wairimu Ngugi, known as Joyce Wairimu Mwangi.
4. As the police officers were cordoning the scene, the 2nd accused person went there and identified himself as the son of Penina Wairimu Ngugi. He also identified the bodies of the other two deceased persons by their names. Investigations commenced and statements of witnesses were recorded. The post mortem was later conducted on 18th December 2023 for the three deceased persons and the doctor confirmed the cause of death of Penina Wairimu Ngugi and Pauline Njeri Ngugi to be asphyxia due to pressure to the neck due to strangulation. The cause of death of Joyce Wairimu Mwangi was due to musculous skeletal and soft tissue injuries due to predation.
 5. On 22nd December 2023, the police officers received Safaricom data earlier requested for. After analysing, the said data, it was found that one mobile phone of the deceased Pauline Njeri Ngugi IMEI NO. 359238084876800 was inserted a new simcard no. 0706XXXX. The police conducted further investigations and established that the sim card was registered to Gerald Mwaniki Kahare ID No. 21XXXX, a suspect who is still at large. Upon contacting the 2nd accused to establish who the holder of the number 0706XXXX was, the 2nd accused person requested the 1st accused to go to DCI Thika East to record his statement.
 6. On 29th January 2024, the 1st accused person went to DCI Thika East office to record his statement and it was noted that he had switched off his phone at Ngoliba Trading Centre. Upon been asked where his phone was, the 1st accused lied that he had left it at Maguguni charging. Police conducted a search on him and found the phone hidden in his socks. The 1st accused person could not account on how he acquired the phone with the IMEI corresponding that of his aunt Pauline Njeri Ngugi.
 7. On 5th January 2024, the 1st accused made a confession that was recorded by Chief Inspector Bernard Wanyoike where he stated that on 6th December 2023, Gerald Mwaniki Kahare, Kamangu and him killed the three deceased persons after being financed by the 2nd accused person. The confession was documented by photographic officers from DCI headquarters following which 1st accused person took the team to the scene at Maguguni where he narrated how the killing of the three deceased persons as executed.
 8. The 1st accused person accepted the offence. In mitigation, the defence counsel Ms. Muchiri told the court that the 1st accused person was remorseful and that he had pressure and influence of his uncle in order to kill his grandmother and aunt. Counsel stated that the 1st accused person voluntarily confessed to the offence which the court ought to consider. The counsel urged h court to give a lenient sentence to allow the 1st accused to be integrated back to the community to give him a chance to reform in a positive way.
 9. The prosecution submitted that the 1st accused person was previously convicted with trespass and fined Kshs. 1,000/- as per the pre-sentence report. The prosecution urged the court to impose a custodial sentence due to the circumstances of the offence which will help to warn to future would-be offenders. The prosecution further stated that three deceased persons lost their lives in a gruesome and horror assault. The prosecution argued that if the 1st accused was given a non-custodial sentence, efforts to arrest the two suspects who were still at large would be rendered moot.
 10. The pre-sentence report dated 17th February 2025 provided that the 1st accused person regrets the offence which he attributed to poor decision making and being swayed by his uncle to commit the offence. The report further indicates that the 1st accused person is committed to making amends,



rebuild his life and reform. As such, a lenient sentence would give him an opportunity to achieve transformation faster and become a better member of the community. The report further indicated that the family wrangles were evident that there were land disputes within the family. The 1st accused person and his family had been evicted from their grandmother's land by the 2nd accused. The report additionally indicated that the 1st accused was sincerely remorseful for the offence and his family was supportive and no opposition to a non-custodial sentence had been relayed by the community. The course then said her client was suitable for a custodial sentence.

11. I have considered the factors set out in Judiciary Sentencing Policy in regard to sentencing and mitigation of the 1st accused person. In my considered view, a non-custodial sentence will not be appropriate in this case having regard to the circumstances of the offence. Three innocent lives were lost including that of an elderly grandmother due to family wrangles due to land issues. In my considered view, a deterrent sentence is appropriate in this case for would be offenders to discourage senseless killings. However this court considers that by the act of pleading guilty to the offence, the 1st accused person saved the precious time of the court. This is a factor that the court takes into consideration and mitigates the sentence to be imposed on the 1st accused person.
12. The record shows that the accused has been in custody since the day of his arrest being 29th December 2023 which is about three (3) months. Therefore, pursuant to Section 333 of the [Criminal Procedure Code](#), the court will take into account this period in sentencing the 1st accused.

Sentence

13. The 1st accused is sentenced as follows: -
 - Count I – Fifteen (15) years imprisonment
 - Count II – Fifteen (15) years imprisonment
 - Count III – Fifteen (15) years imprisonmentThe sentences to commence on 29th December 2023 being the date of arrest and to run concurrently.
14. It is hereby so ordered.

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

F. MUCHEMI

JUDGE

