



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Republic v Ngugi & 2 others (Criminal Case 28 of 2017)
[2025] KEHC 5450 (KLR) (30 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5450 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL CASE 28 OF 2017
CW GITHUA, J
APRIL 30, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

ALICE WANJIKU NGUGI 1ST ACCUSED

ELIZABETH WANJIRU NGUGI 2ND ACCUSED

ALEX NGIGE MBUTHIA 3RD ACCUSED

RULING

1. The three accused persons herein, Alice Wanjiku Ngugi; Elizabeth Wanjiru Ngugi and Alex Ngige Mbutia were initially jointly charged with the offence of murder Contrary to Section 203 as read with Section 204 of the *Penal Code* but were convicted on their own plea of guilty for the lesser offence of manslaughter Contrary to Section 202 of the *Penal Code* under plea bargain agreements dated 19th September 2023.
2. The particulars supporting the charge allege that on the night of 15th and 16th day of October 2017 at Muthitha Village, Gaichanjiru Location within Kandara Sub-County of Murang'a County, the accused persons jointly unlawfully caused the death of Francis Ngugi Gikonyo.
3. The facts of this case are truly tragic and heart wrenching. They show that the 1st accused who was the deceased's wife and the 2nd accused who was his daughter acting in concert with the 3rd accused killed the deceased in cold blood using crude weapons while he was in the safety of his home. The 3rd accused was the 2nd accused's boyfriend and the two wanted to get married but the deceased was opposed to their relationship. As the deceased was an obstacle to their intended marriage, a plan was hatched to eliminate him which plan was executed by the three accused persons on the night of 15th and 16th day of October 2017.



4. In the plea in mitigation made on their behalf by their respective Counsel on record, the accused persons pleaded for leniency claiming that they were remorseful and receptive to rehabilitation. They detailed their ages and family circumstances and urged the court to consider the seven years they had spent in lawful custody as sufficient punishment for the offence they had committed. The 1st and 2nd accused also claimed that they had contracted illnesses while in custody and needed to be out of prison so that they could access proper medical attention. Learned Counsel Mr. Kariuki also informed the court that the 3rd accused suffered from bouts of mental instability which was what was taken advantage of by the 1st and 2nd accused in luring him to the plan to kill the deceased.
5. I have carefully considered the plea in mitigation made on behalf of each accused and the fact that each accused was to be treated as a first offender.

I have also considered the content of the pre-sentence reports filed in respect of each accused person. The offence of manslaughter is grave and a serious offence which involves the unlawful termination of another person's life. It carries a maximum penalty of life imprisonment.
6. The circumstances in which the offence in this case was committed shows clearly that the accused persons do not deserve any sympathy from this court. They jointly planned and executed the death of the deceased in a very gruesome and brutal manner because of domestic disputes which they would have otherwise settled in a civil way. There is no evidence to show that the deceased had caused a confrontation or had attacked either of the accused persons on the night in question to provoke them to commit the offence. Given the facts of this case, the 1st accused's claim that she had committed the offence in the heat of the moment cannot be true.
7. Due to the accused persons joint unlawful action, the deceased needlessly lost his life at the age of 63 years. I have considered the ages of the accused persons as stated in their plea in mitigation and in their pre-sentence reports and the fact that the 1st accused was a mother of seven children while the 2nd accused was a mother of two. They were aware of their family circumstances when they chose to kill the deceased and they must face the full consequences of their action.
8. Having considered both the mitigating and aggravating factors in this case, am unable to accept the recommendations made in the Pre-sentence reports that the 1st and 2nd accused are suitable for a non-custodial sentence. I find that a stiff custodial sentence is most appropriate in this case. In making this decision, I am aware of the accused persons claim that they were currently experiencing health challenges but there are medical facilities in prison or public hospitals they can access for medical attention.
9. Having taken all relevant factors into account, I hereby sentence each accused person to thirteen years imprisonment. The seven years the accused persons have spent in lawful custody shall be computed as part of their sentence.

It is so ordered.

DATED, SIGNED AND DELIVERED AT MURANGA THIS 30TH APRIL 2025.

HON. C. W. GITHUA

JUDGE

In the presence of:

All three accused persons

Mr Mbugua for the 2nd Accused and holding brief for Ms. Gachango for the 1st Accused.



Mr. Kariuki for the 3rd Accused

Ms. Muriu for the Republic

Ms. Susan Waiganjo Court Assistant

