



**Republic v Reuben (Criminal Case E039 of 2024)  
[2025] KEHC 11482 (KLR) (30 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 11482 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT EMBU  
CRIMINAL CASE E039 OF 2024  
RM MWONGO, J  
JULY 30, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**AMBROSE NG'ULU REUBEN ..... ACCUSED**

**SENTENCE**

**The Charge**

1. The accused was charged with murder contrary to Section 203 as read together with Section 204 of the *Penal Code*. The particulars of the offence are that on 12<sup>th</sup> December 2024 at Muthithu village, Mbondoni location in Mwea subcounty within Embu County, the accused person murdered Angeline Mbithe.
2. The accused pleaded not guilty and the plea was duly entered.

**Plea-Bargaining Agreement (PBA)**

3. At the point of pretrial, the parties entered into a Plea-Bargaining Agreement dated 10<sup>th</sup> March 2025 signed by the accused, his advocate and the prosecution counsel. The accused pleaded guilty to the offence of manslaughter contrary to section 202 as read with 205 of the *Penal Code*. The PBA was availed in court together with court's Compliance Form for Recording the Plea Agreement, the accused person's mental assessment report, the deceased's post-mortem report and the Prosecution's fact sheet.
4. The court was satisfied that the accused person understood his rights under section 137F of the *Criminal Procedure Code* having signed thereto, upon entering into the PBA. Consequently, the Plea Agreement has been adopted as part of the court record.



5. Accordingly, the accused person was convicted with the offence of Manslaughter contrary to Section 202 as read with Section 205 of the [Penal Code](#). Under Section 205 of the [Penal Code](#), the punishment for Manslaughter is imprisonment for life.

### **Mitigation**

6. In mitigation, the accused person expressed remorse for the death of the deceased. He said that he did not recall what happened that day or what came over him because the deceased is someone that he loved. He said that he is the father of 2 children and he prayed that the court exercises leniency in sentencing him.

### **Response to Mitigation**

7. In response to the mitigation, the prosecution notified the court of some aggravating circumstances, namely, that the accused is the deceased's estranged husband; That the deceased refused to return to the accused; that in anger he hacked her to death in the presence of her 3-year-old child who is the accused's stepson. That the deceased was only 24 years old and had her whole life ahead of her which was cut short.
8. The deceased's child is now under the care of the deceased's mother who is old and frail. According to the prosecution, the accused is not remorseful for his actions; that he has been taunting the family of the deceased and has never sought their forgiveness yet the deceased was killed at her parent's home.
9. The prosecution stated that if the accused is released back into the community so soon, his safety is not guaranteed. That the court should respond strongly to this incident which amounts to femicide, a rising menace in the country. The prosecution proposed a 30 years' imprisonment sentence that would serve as a deterrence to acts of violence against any gender.

### **The Probation Officer's Pre-Sentence Report (POR)**

10. According to the probation officer's report dated 29<sup>th</sup> April 2025, the accused person is estranged from his first wife because of infidelity. During his first marriage, he sired 2 children. He met his second wife, the deceased, when he was working in Embu County as a farmhand. The deceased already had a child and the accused visited her parents. There followed a traditional marriage between the two. Tension began in the marriage because the accused's children from his first marriage were visiting them during school holidays.
11. This tension grew and the deceased returned to her parent's home because her son was being discriminated upon. The accused tried to reconcile with the deceased and their families were involved. The accused did not appear remorseful for the offence and he never sought for forgiveness from the deceased's family. The deceased's family is still grieving the loss of the deceased whose life was cut short in the hands of someone that they had known to be her partner.
12. The deceased's 4-year-old son witnessed the accused killing his mother and he is the one who alerted the deceased's grandfather but it was too late. The occurrence has taken a toll on his mental health. The accused person's family is ready to support him through whatever punishment the court will deem fit to impose. The probation officer relayed this information to guide the court in sentencing but no recommendation for sentencing was made.

### **The Facts of the Case**

13. The prosecution's statement of facts is as follows:



1. The deceased was the estranged wife to the accused person. On the 12<sup>th</sup> December 2024 at Muthithu Village, in Nthambu Mbondoni Location in Mwea Sub-County within Embu County, at about 10am, the accused person had gone to the deceased's father's home to discuss their reconciliation. The deceased gave to the accused person her mobile phone to hold as an indication of her good will towards him, but when he scrolled it, he found love messages between the deceased and another man.
2. The accused became enraged then picked up a jembe that was nearby and used it to assault her on the head and ran away. The deceased died at the scene. The accused was later arrested by members of the public the following day and handed him over to the police who then re-arrested him.
3. The police visited the scene and removed the deceased's body to Our Lady of Lourdes Mwea Hospital mortuary, where the post-mortem was conducted on 16<sup>th</sup> December, 2024 by Dr. Kinyaga who formed the opinion that the cause of death was due to massive hematoma secondary to blunt trauma to the head. On 17<sup>th</sup> December 2024 the accused person was examined by Dr. J.N. Thuo Consultant Psychiatrist at the Embu Level 5 hospital, who found her mentally fit to stand trial. The accused person was then charged with the offence of murder, which has now been reduced to manslaughter.

### **Analysis and Determination**

14. The court in this matter is guided by the provisions of the *Judiciary Sentencing Policy Guidelines 2023* as amended on direction of the Supreme Court in the case of *Muruatetu & another v Republic; Katiba Institute & 5 others (Amicus Curiae)* (Petition 15 & 16 of 2015 (Consolidated)) [2017] KESC 2 (KLR) (Muruatetu 1).
15. Under section 205 of the *Penal Code*, the accused is liable to face a punishment of life imprisonment. In April 2025, the Supreme Court found the life imprisonment sentence to be lawful and applicable. This was the finding in the cases of *Republic v Ayako* (Petition E002 of 2024) [2025] KESC 20 (KLR) (Ayako case) and *Republic v Manyeso* (Petition E013 of 2024) [2025] KESC 16 (KLR) (Manyeso case) where it was held that only parliament bears the power to revise a sentence prescribed under a statute.
16. Despite this, the court must exercise its discretion given the circumstances of the case to determine whether to exact the maximum punishment of life imprisonment or any other sentence. The prosecution has recommended a sentence of 30 years imprisonment as a deterrence while the accused has prayed for leniency. The POR indicated that the accused person has been taunting the family of the deceased and he has not shown any remorse. The deceased's 4-year-old son witnessed the accused killing his mother by hacking her with a panga on the head, an occurrence that came with long-term trauma for him.
17. It appears from the POR that the accused, who is the deceased's estranged husband was angered by love messages that the deceased was receiving from another man. He hacked the deceased on the head with a jembe and she died. The deceased did not provoke the accused, neither was he acting in self-defense.
18. The court notes that the deceased was a young (24-year-old) mother of one child who witnessed the incident. Her life was cut short in the hands of someone she knew as her husband. The circumstances surrounding the death of the deceased speak in favour of a custodial sentence, in the interest of justice.



**Disposition**

19. In light of the aggravated circumstances, it is my view that the Court should mete a strong sentence of Thirty-Five (35) years imprisonment. The sentence shall be deemed to commence on the date of the Accused's arrest.
20. Orders accordingly.

**DELIVERED, DATED AND SIGNED AT EMBU HIGH COURT THIS 30<sup>TH</sup> DAY OF JULY, 2025.**

**R. MWONGO**

**JUDGE**

Delivered in the presence of:

1. Accused Present in Court
2. Ms. Muthoni Mboi holding brief for Guantai for Accused
3. Ms. Nyika for the State
4. Francis Munyao - Court Assistant

