



**Republic v Njuru (Criminal Case 23 of 2020)
[2024] KEHC 4117 (KLR) (24 April 2024) (Sentence)**

Neutral citation: [2024] KEHC 4117 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL CASE 23 OF 2020**

CW GITHUA, J

APRIL 24, 2024

BETWEEN

REPUBLIC PROSECUTION

AND

MONICA WANGARE NJURU ACCUSED

SENTENCE

1. The accused, Monica Wangare Njuru was charged with the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#) but was convicted on her own Plea of guilty with the offence of manslaughter contrary to Section 202 as read with Section 205 of the [Penal Code](#) under a plea bargain agreement filed in court on 11th March 2024.
2. The particulars of the offence are that on 28th August 2020 at Karinga Trading Centre in Kigoma Sub-county in Muranga County, the accused unlawfully caused the death of Alexander Muturi Kiura.
3. The brief facts of the case are that the deceased and the accused were cohabiting as husband and wife from the year 2013 to July 2020 when they separated after the deceased chased away the accused from his home. He had started being violent towards her from the year 2014 especially when drunk.
4. Upon being chased away from the deceased's house, the accused started living alone in an adjacent rental house.
On 20th August 2020, the deceased went to the accused's place of work at around 7 pm when drunk. He requested her to go to his house which request she accepted.
5. She proceeded to the deceased's house after work at around 9 pm but on arrival, she overheard the deceased speaking on his mobile phone. On asking the deceased who he was talking to, he refused to



disclose and she decided to leave. When she was walking towards her house, she noted that the deceased was following her.

6. She went to her house, packed the deceased's clothes in a bag which she handed over to him. Instead of peacefully accepting the bag, the deceased held her by the collar, pulled her outside the house and started assaulting her. And although she screamed for help, nobody went to her rescue.

7. The deceased started pushing his way into the house but the accused resisted. As he persisted, the accused rushed to the house, picked a knife

which was on the table and stabbed the deceased with it on the hand that was holding onto her door. The deceased immediately released the door and the accused locked herself inside.

Neighbours who heard the commotion notified the police at Karinga Police Post who proceeded to the scene and found the deceased lying in a pool of blood. They rushed him to Kigumo Sub-County Hospital where he died on the same night.

8. A post mortem carried out on his body disclosed that the cause of death was exsanguination secondary to a deep cut on the right bronchial artery caused by a sharp object.

Accused was subsequently arrested and charged with the offence of murder which as stated earlier was reduced to a charge of manslaughter.

9. Ms. Githinji, learned counsel for the accused in her plea in mitigation on behalf of the accused submitted that in stabbing the deceased, the accused did not intend to kill him but was acting in self defence given that the deceased was assaulting her and attempting to get into her house by force. She invited me to note that the accused was a first offender and was a mother of one child. She also had one grandchild and she was their sole breadwinner. Counsel also urged me to consider that the accused had been sick in prison and had undergone several surgeries though no evidence was produced to substantiate this claim. It was also submitted that the accused was remorseful for what happened and that she ought to be considered for a non-custodial sentence.

10. After hearing the facts in this case and the plea offered in mitigation on behalf of the accused, I decided to call for filing of a pre-sentence report to guide me in deciding on the appropriate sentence for the accused in this case. The pre-sentence report was filed on 5th April 2024. I have carefully considered the circumstances in which the offence was committed and the accused's plea in mitigation as well as the contents of the presentence report.

11. In this case, it is clear from the facts supporting the charge that the accused had endured domestic violence from the deceased for many years prior to the material date. At the time the offence was committed, the deceased was physically assaulting the accused and forcing himself into her house. It is clear to me that by stabbing the deceased, the accused was acting in self defence and had no intention of killing him. It appears to have been an impulsive and desperate act motivated by the need for self-preservation and preventing the deceased from forcing himself into her house which act unfortunately resulted in a fatal injury.

12. Although the offence of manslaughter is a serious offence which attracts a maximum penalty of life imprisonment, considering the special circumstances surrounding commission of the offence in this case which calls for empathy more than punishment and considering that the accused is a first offender who has been in lawful custody since 8th September 2020, I am persuaded to find that a custodial sentence would not be suitable sentencing option in this case since in my view, it will not serve any of the objectives of sentencing. I am convinced that a non-custodial sentence would be more appropriate



for the accused in this case as it will facilitate re-integration and rehabilitation of the accused and enable her to pick up the pieces and rebuild her life.

13. For the above reasons, I hereby exercise my discretion and sentence the accused to serve a period of three years on probation during which time she should undergo guidance and counselling.

It is so ordered.

C. W. GITHUA

JUDGE

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 24TH DAY OF APRIL 2024.

In the presence of:

The accused

Ms. Githinji for the Accused

Ms. Muriu prosecution Counsel

Mr. Wario Court Assistant

