



**Republic v Gachoki (Criminal Case E005 of 2022)  
[2024] KEHC 6027 (KLR) (27 May 2024) (Judgment)**

Neutral citation: [2024] KEHC 6027 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERUGOYA  
CRIMINAL CASE E005 OF 2022  
RM MWONGO, J  
MAY 27, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**HANIEL MAINA GACHOKI ..... ACCUSED**

**JUDGMENT**

1. The facts of this case are set out in the Plea-Bargain Agreement (PBA). This was an altercation by neighbours arising from an allegation of stealing of macadamia nuts. The Accused and deceased then fought with the deceased being overpowered.
2. I have taken into account that the Accused has compensated the victim’s family who were also represented by counsel and that there are no outstanding issues between them and the Accused.
3. According to the Probation Officer Report the victim was aged 53 and had no family. The Probation Officer Report concludes that the accused had no records of criminal conduct; that the Accused was known in the community as a person of good conduct; and the Probation Officers Report recommends a non-custodial sentence.
4. Taking all the above into account, and the fact that the offender has been out on a bond throughout and faithfully attended court; and further taking into account the objects of sentencing under the Judiciary Sentencing Policy Guidelines, I think this is a proper case where, despite compensation the accused needs to be counselled for anger management.
5. I therefore sentence the accused to 18 months non-custodial sentence. During that time the Accused shall:
  - a. Attend anger management counselling under the facilitation by the Probation Officer, and



- b. Engaged in community service in a facility to be approved by the Probation Officer for one (1) year.
- c. Should the Accused be of good conduct and comply with all instructions of the Probation Officer or any officer supervising his community service during the first twelve (12) months, the balance of his sentence shall stand suspended.
- d. Should the Accused fall afoul of the law and be convicted of any offence during the probation period, his sentence shall be subject to review by this court.

6. Orders accordingly.

**R. MWONGO**

**JUDGE**

**27.5.2024**

