

KENYA / JUDGMENT

Republic v Mburu [2026] KEHC 12820 (KLR)

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COURT

High Court

BEFORE

MW Muigai

CASE / FILE NUMBER

Criminal Case 003 of 2024

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Republic v Mburu (Criminal Case 003 of 2024) [2026] KEHC 12820 (KLR) (Crim) (23 July 2026)
(Judgment)

Neutral citation:

[2026] KEHC 12820 (KLR)

Republic of Kenya

In the High Court at Nairobi (Milimani Law Courts)

Criminal

Criminal Case 003 of 2024

MW Muigai, J

July 23, 2026

Between

Republic

Prosecutor

and

Ronnie Mburu

Accused

Judgment

Plea-bargain Agreement

Information

- 1.The Accused Person herein Ronnie Mburu, is charged with the offence of Manslaughter Contrary to Section 202 as read with Section 205 of the Penal Code Cap.63 Laws of Kenya.
- 2.Particulars off the offence being that on the 9th December 2023, at around 22:30hrs at Dandora Phase IV in Dandora Sub- County, within Nairobi County, committed manslaughter to/on Stephen Mboya Maithya .
- 3.The Plea Bargain Agreement was executed on 27/4/2026 2025 by:1.Ms. Gikui Gichuhi – ODPP- Head of Homicide2.Ms. R. Tum for ODPP-Prosecution Counsel3.Mr. A. Mogaka- Advocate for the Subject- Ronnie Mburu4.Accused Person- Mr. Ronnie Mburu.Court Proceedings -27/4/2026
- 4.Ms. Gladys- Court Assistant read out the charge of manslaughter contrary to Section 203 & 204 Penal Code.Accused person – Ni kweli – It is true.Ms. Tum ODPP – The subject is a minor.
- 5.The Advocate; Mr Mogaka as per Agreement Clause 2 Agreement entered voluntarily without promise or benefit or from threats force intimidation or coercion of any kind. He explained the circumstances of Plea Bargain and after explanation the Accused person admitted on his own guilt.Court- The Accused person – The plea of guilt is entered on Accused's own plea of guilt.
- 6.Ms. Tum ODPP – FACTS- in English.Stephen Mboya deceased owned a gas shop next to Chemist and Mpesa Shop. The Chemist & Mpesa shop were owned by Wilson Onditi. On 7/12/2023, Wilson Onditi instructed his cousin to leave the keys to his shop to the deceased. That evening when Wilson opened his shop and while in the Mpesa Shop he realized that 18,000/- was missing and asked whereabouts of the money. The deceased explained to Wilson that he called his son Moses Onditi to open the shop and switch on the lights before he came to the shop and he did and gave him back the keys.
- 7.The following day Moses was called by Wilson to go and solve the issue of the missing money and Moses went and he was accompanied by the Accused person and was with one Dawyne Muturi who left the scene after he received a call.
- 8.The Accused heard the deceased say he would refund the money. After that the Accused person captured the deceased beat him up and left him with injuries.
- 9.On Saturday the deceased withdrew Kshs. 15,000/- from Mpesa owned by Samuel of another Mpesa shop and he paid Wilson Onditi.
- 10.On 9/12/2023 at around 9.30 pm at night the Accused person sent his younger brother Ethan Joseph Makudete to go and order 6Kg gas cylinder at deceased's shop for refill. When Ethan arrived at deceased's shop and found the deceased and his employee Nicholas Munyao he made the order of gas Cylinder refill.

11.The deceased followed the Accused person's brother the minor and was to meet the parents for purposes of payment. When the deceased delivered the gas cylinder, the Accused person was behind the gate which was wide open; the Accused person followed the deceased and closed the Gate.

12.The Accused person arrived with a knife and stabbed the deceased severally and he shouted for help and inside the compound was accused persons friend by the name Ali who tried to stop the Accused from stabbing the deceased, the Accused pushed him on the chin and pushed him away. Ali noticed Accused's Uncle Isaiah Mburu was peeping from the house upstairs and Ali called the Uncle to come and help.

13.When the Uncle rushed to the scene he saw deceased lying on the veranda and blood all over the floor and enquired what happened and went straight to the house and carried a cane which he used to beat the Accused person.

14.Dwaine Muturi Accused person's eldest brother arrived in the compound followed by Accused's mother Scholastica Njeri who after entering the compound noticed deceased's body lying on the floor.

15.After enquiry what happened they rushed to Dadora Police Station and reported the matter by OB10/12/2023. The Police Officers rushed to the scene and arrested the Accused person and the deceased's body was rushed to City Mortuary for Post Mortem and preservation.

16.The Post Mortem indicates that the deceased die from excessive hemorrhage and from multiple stab wounds consistent with stab wounds inflicted by the Accused person.Post Mortem Report – Original Report Exhibit IAccused person stated- 'Ndio ni kweli'Accused Peron – The facts as read out are true.The Court – The Accused person is convicted on his own plea of guilt as entered both in the statement of offence on charge read to him in Kiswahili and particulars of offence facts read to him in English (he stated he understood English) and he admitted the facts.

17.Ms. Tum ODPP – We treat him as 1st offender we have no records.COURT – Mitigation after Presentence Report to be prepared and presented by Probation Officer.

Court Pre-sentence Proceedings -21/7/2026

18.Ms. Tum ODPP – We concluded and executed the Plea Bargain Agreement and charge was read and Accused person he pleaded guilty on lesser offence of man slaughter. The facts were read on 27/4/2026. The Presentence Report of 5/6/2026.

19.Ms. Tum ODPP - on 27/4/2026 she told the Court that the subject is 1st offender and we had not received any records. The deceased was a family man father and husband and a life had been lost that cannot be returned. The Court was/is to take into account the circumstances involved in the commission of the offence. At the time the deceased had gone to deliver gas at the subject's home and the subject locked the gate that night and attacked the deceased and it was difficult for deceased to get help.

20. Probation Officer in the Pre-Sentence Report recommended a non-custodial sentence and the Prosecution vehemently opposed considering the circumstance that led to loss of life. The Court should note the family is grieving for their loved one who died. The non-custodial sentence was vehemently opposed and will be a lesser sentence and prayed for the Court not to consider the non-custodial sentence.

21. Mitigation – Advocate of the Accused person Mr Mogaka stated; We stand before the Court today and appreciate fair trial of the trial of the matter the subject appreciates he has been treated as a minor from the time of arrest. (Attached to Replying Affidavit sworn by Advocate filed on 25/7/2024 the Accused was born in 2006) When the incident occurred the subject was traumatized and he did not know what he would find.

22. He is remorseful and apologized to any one who was affected. In 'Muruatetu 1' case, the Mitigation is considered; age of the subject and the Accused person pleaded guilty. He is a 1st offender and the remorseful part and when checked on the Presentence Report the Probation Officer considered the subject and proposed non-custodial sentence. The offender is remorseful and takes responsibility of everything stated and he has been disciplined and attended Court and when in custody has taken several programs – Certificate in Hygiene Sanitation Products, Certificate Course -Entrepreneurship Course, HIV prevention training and Intervention training. 1 year Mentorship and Talent program, and Motorcycle Mechanic Course.

23. The Accused Person was in High School Form 3 at the time of his arrest. The Accused person has reformed in his character he is of good character and the community is not against his returning to society he has learnt his lesson. He welcomed Probation Officer's recommendation of non-custodial sentence. He is ready to begin a new life and better citizen.

Sentencing Proceedings- 29/7/2026

24. The court considered the submissions by ODP/Prosecution/State and the Defense Counsel. More importantly the Presentence Report; especially the circumstances of the offence and the Facts by Prosecution; the act by the accused person was premeditated. The victim impact statement is detailed on the victims' family loss socially, financially they have lost a loved one.

25. On the other hand, there are both aggravating factors; the Accused person had a weapon the offence was premeditated and the unlawful act resulted in loss of life.

26. Mitigating factors are that the Accused person was under age as confirmed by age assessment report at the time of plea; and he is 1st offender; He pleaded guilty to lesser offence of Manslaughter under Pre Bargain Agreement, He is/was remorseful and intends to be rehabilitated.

27. Article 53 (1) and (2) of the Constitution put the interest of the child as paramount. Section 26(7) & (8) Children Act 2022 custodial sentence should be a last resort. I find custodial sentence appropriate taking into account the above provision and allow the accused person another chance to change his life. The Accused Person is sentenced to serve 5 years imprisonment with effect date of arrest (9/1/2024) and remission in the first term.

28. The balance of the sentence is/will be less than 2 years to be served as a suspended sentence of less than 2 years on condition the Accused person goes back to school and/or Rehabilitation programme and the Report to be filed by Probation Officer Ms Salome Muthoni by end of 30/9/2026.

29. A report filed by the institution whether the Accused person goes to school or rehabilitation through the Probation officer Ms. Salome Muthoni who prepared the Report – the second report to be filed with Deputy Registrar Criminal Division and served to ODPP/State/Prosecution and the Court. In default the Accused person to be arrested and imprisoned to serve the remaining sentence.

30. 14 days Appeal.

RULING DELIVERED SIGNED DATED IN OPEN COURT – CRIMINAL DIVISION- MILIMANI ON 23/7/2026 VIRTUALLY/PHYSICALLY. M.W. MUIGAI JUDGE

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