



**Bett alias Keredio v Republic (Criminal Petition E001 of 2024)
[2024] KEHC 14936 (KLR) (28 November 2024) (Order)**

Neutral citation: [2024] KEHC 14936 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL PETITION E001 OF 2024
JK SERGON, J
NOVEMBER 28, 2024**

BETWEEN

ISAAC KIPNGETICH BETT ALIAS KEREDIO APPLICANT

AND

REPUBLIC RESPONDENT

ORDER

1. The Petitioner and others not before this Court were charged and convicted for the offence of robbery with violence contrary to section 295 as read with section 296 (2) of the *Penal Code* and sentenced to death which was commuted to life imprisonment by presidential pardon in Chief Magistrates Court Criminal Case No. 411 of 2011.
2. The Petitioners and others not before this Court lodged a first appeal to the High Court vide Criminal Appeal No. 41 of 2011 and the appeal was heard and dismissed in its totality. The Petitioner did not file a second appeal to the Court of Appeal.
3. The Petitioner stated that this court has jurisdiction to hear and determine the application under article 165 (3) (b) of the *Constitution of Kenya, 2010*.
4. The Petitioner stated the sentence imposed was harsh and excessive in light of the fact and circumstances of the case and therefore urged this Court to review the sentence. The Petitioner urged this Court to award him a lenient definite sentence under article 50 (2) (p) (q) of the *Constitution of Kenya, 2010*. The Petitioner urged this Court to allow him to benefit from the decision of Julius Kitsao Munyeso Criminal Appeal No. 12 of 2021 where the Court of Appeal substituted life imprisonment with 40 years in jail term, for an offender who had defiled a child of tender years.
5. The matter came up for inter partes hearing, however, the petitioner refused to attend court. The prosecution vehemently opposed the said application and stated that the petitioner was sentenced to



death for robbery with violence and that the said sentence was commuted to life imprisonment by the president.

6. The prosecution maintained that the sentence is lawful and further contended that the offence was committed in a gruesome manner and therefore on account of the facts and circumstances of this case the sentence should be maintained.
7. Having considered the instant application, it is the finding of this Court that this court is barred from entertaining the instant petition having heard and determined the first appeal.
8. In the end, I find the instant petition to be improperly before this Court. The same is ordered struck out with no order as to costs. The Petitioner is at liberty to appeal to the Court of Appeal.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 28TH DAY OF NOVEMBER, 2024.

J.K. SERGON

JUDGE

In the presence of:

Mr. Musyoki – Prosecutor

Mr. Langat – C/Assistant

Petitioner – Present in Person

