



**Kiprono v Republic (Miscellaneous Criminal Application E030 of 2023)
[2024] KEHC 14951 (KLR) (28 November 2024) (Resentence)**

Neutral citation: [2024] KEHC 14951 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
MISCELLANEOUS CRIMINAL APPLICATION E030 OF 2023**

JK SERGON, J

NOVEMBER 28, 2024

BETWEEN

STANLEY KIPRONO APPLICANT

AND

REPUBLIC RESPONDENT

RESENTENCE

1. The Applicant was charged and convicted two counts of the offence of grievous harm contrary to section 234 of the [Penal Code](#) and sentenced to 20 years imprisonment on each count and the sentences were ordered to run concurrently vide Chief Magistrate's Court Criminal Case No. 207 of 2015.
2. The Applicant being aggrieved by both conviction and sentence filed an appeal to the High Court vide Criminal Appeal No. 13 of 2017 which appeal was later withdrawn. The Applicant did not file a second appeal to the Court of Appeal.
3. The Applicant stated that this court has the 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 Applicant stated that he has been in custody for the past 10 years. The Applicant stated that he is remorseful for the offence committed, he has reformed and that during incarceration he participated in various rehabilitation programs and acquired certification in vocational training. The Applicant therefore urged this Court to substitute the remaining jail term with a non-custodial sentence.
5. The Application came up for inter partes hearing, the applicant reiterated the contents of his application whereas the prosecution did not oppose the said application. The prosecution stated that the applicant having served a substantive proportion of his sentence, then this court may consider a non-custodial sentence.



6. This court considered the fact that the sentence imposed by the trial court was a term of 20 years on each count and the fact that the same are lawful and lenient as the Penal Code provides for life imprisonment.
7. Furthermore, there is no evidence tendered by the applicant vide this instant application that the trial court acted upon some wrong principle of law nor failed to take into account the proper provisions of the law when passing the sentence warranting this court's intervention.
8. This court notes that the application for review was also unsupported by any certificates of courses undertaken and/or letters of recommendation from the prison authorities to demonstrate that he had now reformed and was a model prisoner.
9. There is therefore no good reason found by this court for it to invoke its revisionary powers so as to interfere with the sentence imposed. The application for sentence review lacks merit. The applicant is found not to have exhausted his avenues for appeal and he is therefore at liberty to file an appeal against sentence if he feels the sentence imposed is manifestly harsh and excessive.

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

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J.K. SERGON

JUDGE

In the presence of:

Mr. Musyoki – Prosecutor

Mr. Langat – C/Assistant

Appellant – Present in Person.

