



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
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**Maritim v Republic (Miscellaneous Criminal Application 132 of 2019)
[2023] KEHC 22710 (KLR) (27 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22710 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
MISCELLANEOUS CRIMINAL APPLICATION 132 OF 2019
HK CHEMITEI, J
SEPTEMBER 27, 2023**

BETWEEN

RICHARD KIMUTAI MARITIM APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged with the offence of robbery with violence contrary to section 296(2) of the [Penal code](#). He was found guilty and sentence to suffer death which I presume that the same was commuted to life imprisonment.
2. His appeal to this court was unsuccessful and the sentence of death confirmed.
3. There is no evidence that he appealed to the Court of Appeal. He has now filed the application praying for resentencing after the decision of [Muruatetu](#) by the Supreme Court of Kenya.
4. I have perused the application and note that the applicant has been in custody for over 20 years or thereabouts. There was no evidence of serious injury upon the complainant.
5. Taking the period, he has been in custody I find that this is a case where discretion ought to be exercised in favour of the applicant. There was no objection from the respondent to the application.
6. The application is hereby allowed, the applicant is hereby set free unless lawfully held.

**DATED SIGNED AND DELIVERED AT NAKURU VIA VIDEO LINK THIS 27TH DAY OF
SEPTEMBER 2023.**

H. K. CHEMITEI

JUDGE

