



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MERU**

**(CORAM: CHERERE- J.)**

**PETITION NO. 24 OF 2020**

**BETWEEN**

**PETERSON MUTHEE MURANGA.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

1) On 30<sup>th</sup> May, 2014, Petitioner was sentenced to suffer death for the offence of murder. His appeal to the Court of Appeal vide **Peterson Muthee Muranga v Republic [2017] eKLR** was dismissed on 10<sup>th</sup> October, 2017.

2) Petitioner prays for resentence on the ground that he is remorseful and has reformed.

3) The state through Ms.Mwaniki, learned counsel for the state submitted that the sentence imposed on the Petitioner is constitutional and urged the court to uphold it.

4) Whereas the Supreme Court decision in **Francis Kariuki Muruatetu & Another v Republic & 5 others [2016] eKLR** declaring the mandatory death sentence unconstitutional has necessitated resentencing of all persons previously sentenced to the mandatory minimum and maximum sentences, death remains a lawful sentence for murder.

5) I have considered that the offence herein was unprovoked and involved stab wounds on the chest, neck, lung and back of the deceased causing hemorrhagic shock and death of the deceased and find that the Applicant is undeserving of an order to reduce his sentence.

6) Application for resentence is thus dismissed.

**DELIVERED AT MERU THIS 04<sup>TH</sup> DAY OF APRIL 2022**

**WAMAE. T. W. CHERERE**

**JUDGE**

**In the presence of-**

**Court Assistant - Kinoti**

**Applicant - Present**

**For the State - Ms. Mwaniki**