



REPUBLIC OF KENYA



**Kamunya v Republic (Criminal Case 1 of 2017)
[2022] KEHC 14631 (KLR) (27 October 2022) (Judgment)**

Neutral citation: [2022] KEHC 14631 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE 1 OF 2017
TW CHERERE, J
OCTOBER 27, 2022**

BETWEEN

AGNES MUROCHIA KAMUNYA APPLICANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. On February 17, 2022, applicant was convicted of the offence of manslaughter contrary to section 202(1) as read with section 206 of the *Penal Code*. Subsequently on March 30, 2022, applicant was sentenced to serve 5 years' imprisonment.
2. Applicant has neither appealed against conviction nor sentence. Punishment of manslaughter. Section 205 of the *Penal Code* provides that

"Any person who commits the felony of manslaughter is liable to imprisonment for life.

As stated hereinabove, the court in its discretion sentenced applicant to 5 years' imprisonment.
3. It is apparent that applicant is not serving a mandatory maximum or minimum sentence to which the dicta of Supreme Court in *Francis Karioko Muruatetu & another v Republic; Katiba Institute & 5 others (Amicus Curiae) [2021] eKLR* applies.
4. I therefore find that this application for resentence is unmerited and it is dismissed

DELIVERED AT MERU THIS 27TH DAY OF OCTOBER 2022

WAMAE T W CHERERE

JUDGE

Appearances



Court Assistant - Kinoti

Applicant - Present in person

For Applicant - Mr. Omari

For the State - Ms. Mwaniki (PPC)

