

THE REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

PETITION NO. 106 OF 2018

MICHAEL LOZURU LOKUT.....PETITIONER

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

1. The petitioner herein was charged and convicted with Robbery with Violence contrary to Section 296 (2) of the Penal Code, in Isiolo Criminal Case No. 136 of 2011.
2. The particulars of the offence were that, on 2/3/2011 at Maili Tano area of Isiolo County jointly with others not before the court, while armed with dangerous weapons namely firearms, he robbed Isaac Bariu of Ksh.500, one blanket, 2 sufurias, 60 Kgs of maize, one pair of safari boots, a grey cap, 20 Kgs of beans and assorted clothes, all valued at Ksh. 10,000 and at or immediately before or immediately after the time of such robbery threatened to use actual violence to the said Isaac Bariu.
3. The trial court found him guilty of the offence and sentenced him to death. He appealed against that decision in High Court Criminal Appeal No. 49 of 2011 and in the Court of Appeal in Criminal Appeal No.58 of 2013. Nonetheless, in both instances, his appeals were dismissed and the sentence upheld.
4. Although it appears that the petitioner did not file a formal petition for consideration by the court, I have deduced from his oral submissions in court on 24/6/2021 that he seeks to be resentenced, considering that he has been in prison for long. He seeks leniency in order to be able to go back home.
5. The prosecution maintains that the court lacks jurisdiction to entertain the petition and prays for its dismissal.
6. I have considered the Supreme Court's subsequent directions on 6/7/2021, that the decision in *Francis Karioko Muruatetu & another v Republic [2017] eKLR* is only applicable to the offence of murder.
7. I find no merit in the petition and order that it be dismissed.

DATED, SIGNED AND DELIVERED AT MERU THIS 19TH DAY OF NOVEMBER, 2021

PATRICK J.O OTIENO

JUDGE

In presence of

Petitioner in person

Mr. Maina for the respondent

PATRICK J.O OTIENO

JUDGE