

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KITALE

PETITION NO. 9 OF 2019

BERNARD KIPKORIR CHERUIYOT.....APPLICANT

VERSES

REPUBLIC.....RESPONDENT

RULING

1. In his home-grown Petition, the Applicant who was convicted of the offence of robbery with violence and sentence to suffer death which was later commuted to life imprisonment in Appeal No. 88,8 9, and 90 of 2010 at Kitale seeks to benefit from the decision of the Supreme Court of Kenya in the now famous Muruatetu case. He prays he be sentenced afresh as per the mitigating circumstances.
2. There is no compelling reasons to allow this application as the evidence on record and in particular the judgement of this court dated 7th August 2019 was rendered post Muruatetu and this court was alive to the same.
3. Having read the application and the letter dated 14th October 2020 from the Officer in charge Kitale Main Prison, which is not favourable to the Petitioner, the court does not for now finds merit in the Petition.
4. There must be however a determined period the Applicant must be in custody. Taking however the gravity of this matter the Applicant is hereby sentence the Applicant is hereby sentenced to **15 years** from the date herein.

Dated, Signed and Delivered at Kitale this 28th day of October 2020.

H. K. CHEMITEI

JUDGE

28/10/2020

In the presence of:-

Mr Omooria for Respondent

Applicant – present

Court Assistant – Kirong

Ruling read in open court