

REPUBLIC OF KENYA

IN THE HIGH COURT KENYA AT MERU

CRIMINAL NO. 29 OF 2014

ELIAS MURIERA.....APPLICANT

VS

REPUBLIC.....RESPONDENT

RULING

The Petitioner herein pursuant to Article 50(2) (6) (7) and (8) of the constitution filed this petition on 26.8.2014. He said on the date of hearing that he wished to rely on an affidavit that was sworn and filed by the complainant. He however didn't have the affidavit and none was filed in court file.

The prosecuting counsel in opposing the petition said petitioner was convicted in Meru Chief Magistrates Criminal Case No. 810 of 2009 wherein he was sentenced to serve 21 years imprisonment. On appeal in the H.C.CR. A. No. 231 of 2009 and in the court of Appeal CR. A. No. 70 of 2013 both appeals were dismissed and the trial magistrates conviction and sentence upheld.

This court does not find any new evidence upon which to rely and invoke the provisions of Article 50(2)(6)(7) and (8). The Petition is therefore dismissed.

HON. A.ONG'INJO

JUDGE

19.12.2017

Before Adwera J

Penina – Court Assistant

Mr Kinyua for state

Applicant – Present in person

Court

Ruling Delivered, Dated and Signed in Court.

HON. A.ONG'INJO

JUDGE