



REPUBLIC OF KENYA



KENYA LAW
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**Mureti & another v Republic (Criminal Appeal E110 & E111 of 2022
(Consolidated)) [2025] KEHC 2851 (KLR) (11 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 2851 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT MERU

CRIMINAL APPEAL E110 & E111 OF 2022 (CONSOLIDATED)

HM NYAGA, J

MARCH 11, 2025

(IN THE MATTERS OF APPEAL AGAINST BOTH CONVICTION AND SENTENCE)

BETWEEN

PATRICK MURETI 1ST APPLICANT

KENNETH MWEBIA 2ND APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The appellant and one Kenneth Mwebia were jointly charged in Nkubu Criminal Case No. e158 of 2021. They were convicted and sentenced to 20 years imprisonment.
2. Both Accused preferred Appeals to this court as follows:-
 - a. Patrick Mureti – HCCRA No. E110/2022
 - b. Kenneth Mwebia – HCCRA No. E111/2022
3. Although the 2 appeals were meant to be consolidated this did not happen.
4. In the High court Criminal Appeal No. E111 of 2022, the Court found the trial of the Appellant therein was a nullity for failure to accord him legal representation.
5. The prosecution has conceded to the appeal, on account of that findings.
6. In the circumstances, the Appeal herein is also allowed and just like int HCCRA No. E111 OF 2022, the court ordered a re-trial of the Appellant alongside his co-accused.



Orders

- i. Appeal allowed
- ii. The conviction and sentence are quashed and set aside.
- iii. The Appellant to be presented at Nkubu law courts for retrial before another magistrate.
- iv. The Appellant to be produced before Nkubu Law courts on 19/3/2025 for further orders on re-trial and consolidation of his case with that of his co-accused.
- v. The trial court record to be returned back to the lower court.

DATED, SIGNED & DELIVERED AT MERU THIS 11TH DAY OF MARCH, 2025.

H.M. NYAGA

JUDGE

