



**Kirui v Republic (Miscellaneous Criminal Application  
E122 of 2024) [2025] KEHC 10063 (KLR) (19 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 10063 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
MISCELLANEOUS CRIMINAL APPLICATION E122 OF 2024**

**JM NANG'EA, J  
JUNE 19, 2025**

**BETWEEN**

**WILBERFORCE KIRUI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was charged with and convicted of the offence of Murder Contrary to Section 203 as read with Section 204 of the Penal Code and sentenced to life imprisonment. His appeal to the Court of Appeal was dismissed.
2. The Applicant now seeks re-sentencing in light of the famous Muruatetu Case which allows for re-sentencing of murder convicts sentenced to death, after the Supreme court outlawed the hitherto mandatory nature of the sentence of death in murder cases.
3. The Republic opposes the application on the ground that in dismissing the appeal, the Court of Appeal considered the Muruatetu case and still found a life sentence appropriate in the circumstance of the case.
4. I concur with the Prosecution Counsel that this court has no jurisdiction to interfere with the sentence in the circumstances. The Court of Appeal has considered the same decision this court is being asked to invoke, and confirmed the sentence meted out by this court.
5. In line with the principle of *stare decisis*, this application is dismissed.

**RULING DELIVERED THIS 19<sup>TH</sup> DAY OF JUNE, 2025 IN THE PRESENCE OF:**

**J. M. NANG'EA, JUDGE.**

Ms Mwaura for the DPP



Mr. Maragia Advocate for the Applicant

Court Assistant (Jeniffer)

**J. M. NANG'EA, JUDGE.**

