



**Kiprotich v Republic (Criminal Petition E080 of 2023)  
[2025] KEHC 8192 (KLR) (12 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8192 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CRIMINAL PETITION E080 OF 2023  
RN NYAKUNDI, J  
JUNE 12, 2025**

**BETWEEN**

**JULIUS KIPROTICH ..... PETITIONER**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Before this court is an application dated 11<sup>TH</sup> day of October 2023 seeking the following orders:
  - i. That the petitioner is seeking for sentence review in accordance to article 50(2) (p)(q) and section 362 & 364 of the constitution of Kenya 2010
  - ii. That this matter is certified as urgent and be heard at the first instance
  - iii. That I was convicted to sentenced to serve 1 year imprisonment for the offence of obtaining money by false pretense c/sec 189 of criminal procedure code.
  - iv. That I did not appeal to the high court hence this application to request the honorable court to review my sentence of 1 year imprisonment to non-custodial sentence
  - v. That the applicant will be seeking a declaration by the court that his application has merits and qualifies to be heard

And Which Application is based on the following grounds:

- i. That the applicant was charged, convicted and sentenced to 1 year imprisonment for the offence of obtaining by false pretense c/sec 189 of the CPC in criminal case file no. 1769 of 2015
- ii. That I did not appeal to the high court hence this application



- iii. That the applicant is first offender and he is remorseful, repentant and God fearing
- iv. That this hon. Court has unlimited jurisdiction to hear and determine this application under the provisions of article 165(3) (b) of the constitution of Kenya 2010
- v. That this hon. Court has powers to hear and determine infringement of fundamental rights and awards remedies under the provisions of sec 216 and 389 f the criminal procedure code on mitigation and the values of sentencing as provided for in the sentencing policy guidelines 2016 para. 4.1

It is further annexed by an affidavit sworn by the said Julius Kiprotich which states as follows:

- i. That I am a Kenyan citizen adult male of sound of mind hence competent to swear this affidavit
- ii. That I was charged with the offence of obtaining by false pretense c/sec 189 of the cpc at CM’S court Eldoret and was convicted and sentenced to 1 year imprisonment
- iii. That I did not appeal to the high court hence this application
- iv. That I am requesting for the 1year imprisonment to be substituted with non-custodial sentence
- v. That the petition is filed in conformity with the judgement of Moses Barasa Kituyi vs rep, pet. No. 07 of 2018 at Eldoret
- vi. That this hon. court has competent jurisdiction to hear and determine this application under the provisions of article 165(3) (b) of the constitution of Kenya 2010
- vii. That I am remorseful, repentant, reformed and rehabilitated as I have learned hard lessons while in custody and now beg for leniency
- viii. That I do beg to be accorded to benefit with provisions of article 50(2) (q) of the constitution of Kenya 2010
- ix. That’s my humble prayer that I be granted a fair opportunity to argue my petition
- x. That all I have deponed herein is true to the best of my knowledge, information and belief

2. I have perused the record and the review of sentence under section 362 and 364 of the CPC as read with Article 50(6) a and b of the constitution has been overtaken by events. The application is dismissed under section 382 of the CPC. Orders accordingly.

**GIVEN UNDER MY HAND AND THE SEAL OF THIS COURT THIS 12<sup>TH</sup> DAY OF JUNE 2025.**

.....  
**R. NYAKUNDI**  
**JDUGE**

