



**Republic v Kiprop alias Salim Rashid (Criminal Miscellaneous Application
E058 of 2024) [2025] KEHC 7901 (KLR) (4 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 7901 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL MISCELLANEOUS APPLICATION E058 OF 2024**

JR KARANJA, J

JUNE 4, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

JULIUS KIPROP ALIAS SALIM RASHID ACCUSED

RULING

1. The Notice of Motion filed herein on 18th December, 2024 by the applicant, Julius Kiprop also known as Salim Rashid essentially seeks a review of the sentence of forty years imprisonment imposed upon the applicant for the offence of murder contrary to Section 203 as read with Section 204 of the *Penal Code*.
2. The sentence was imposed on the 13th June, 2018 by this court, differently constituted after a full trial. The impugned judgment was actually delivered on the 18th April, 2018, but the sentencing proceedings were conducted on 13th June, 2018 after the trial court considered the pre-sentence report the principles enunciated by the Supreme Court in the famous case of Francis Karioko Murularetu Vs Republic previous Nos. 15 and 16 of 2015 and the judiciary's sentencing policy guidelines. Simply put the sentencing proceedings were exhaustive and the sentence imposed was well thought in view of the circumstances of the case.
3. The Applicant stated that he preferred on appeal to the Court of Appeal against his conviction and sentence, but the same was dismissed. However, there is no evidence herein to confirm as much as the original primary file in this matter was not availed. Be that as it may, the grounds in support of the application as fortified by the supporting affidavit clearly amount to a plea in mitigation and suggest that the applicant is attempting a second or third bite at the cherry on grounds of clemency.
4. Most of the grounds were clearly addressed in the sentencing proceedings and given due consideration before the sentence was passed. They do not fail for determination at this juncture. In any event, this court would lack the jurisdiction to review a lawful sentence imposed by a court of equal jurisdiction



or higher jurisdiction. The only window left for the Applicant to exhaust the appeal process as by way of a further appeal to the Supreme Court with a nod from the Court of Appeal.

5. Otherwise, the present application is misconceived and lacking in merit for purposes of sentence review. It is accordingly dismissed. However, for the purposes of Section 333 (2) of the /akn/ke/act/1930/11 Criminal Procedure Code if indeed the Applicant was in custody from the time of his arrest to the time of the impugned sentence, then the period spent by him in custody ought to be taken into consideration in the computation of the forty (40) years imprisonment term.

J.R. KARANJAH

JUDGE.

DATED AND DELIVERED THIS 4TH DAY OF JUNE, 2025.

Presence of

Mr. Karanja state counsel

Mr. Simon Magwa court assistant

Applicant: - present in person

