



Kuria v Republic (Criminal Appeal 21 of 2023) [2024] KEHC 4578 (KLR) (6 May 2024) (Ruling)

Neutral citation: [2024] KEHC 4578 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL APPEAL 21 OF 2023**

DR KAVEDZA, J

MAY 6, 2024

BETWEEN

PETER MWANGI KURIA APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. I have considered the notice of motion dated 6th May 2024 filed under certificate of urgency, and the affidavit in support sworn by the applicant. In the said application, the applicant is seeking to arrest judgement set to be delivered on 7th May 2024. The applicant has put forth the following reasons for consideration: he suffers from Prostate Hypertrophy, acute cystitis, and kidney disease, along with experiencing blurred vision. Additionally, he asserts his age of 78 years and requests the court to grant a non-custodial sentence.
2. After thorough consideration of the application, it is evident that the applicant seeks to present his mitigation under the guise of a motion to arrest judgment. However, the applicant has failed to provide any specific grounds justifying the court's intervention to arrest the forthcoming judgment.

Having duly considered the application, the following orders are hereby made:

1. The application is not certified urgent.
2. The prayer sought to arrest the impending judgement is dismissed.

RULING DATED AND DELIVERED VIRTUALLY IN THE ABSENCE OF THE PARTIES THIS 6TH DAY OF MAY 2024

D. KAVEDZA

JUDGE

