



**Muga v Republic (Miscellaneous Criminal Application
E021 of 2024) [2024] KEHC 5050 (KLR) (7 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5050 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E021 OF 2024**

RE ABURILI, J

MAY 7, 2024

BETWEEN

KENNEDY ONYANGO MUGA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the Senior Principal
Magistrate's Court Criminal Case No. 1082 of 2005 at Maseno)*

RULING

1. The Applicant has sought very substantive orders through a Notice of Motion couched as a Petition for the application of the principles espoused in the *Francis Karioko Muruatetu & Another v Republic* [2017] eKLR.
2. He has not annexed any document by way of proceedings, judgment from all the 3 levels of courts or any testimonial inviting this court to reconsider the death sentence imposed on him, since he also seeks discretion of the court and noting that death sentence per se is not unconstitutional.
3. I am unable to set down the application for hearing as it is not supported by any material.
4. The applicant is granted seven (7) days of today to file documents in support of his application and in default, the application shall stand dismissed.
5. Mention on 21st May 2024.
6. Signal to issue.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 7TH DAY OF MAY, 2024

R. E. ABURILI



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JUDGE

I certify that this is a true copy of the original

Signed

Deputy Registrar

