



Ngatia v Republic (Criminal Miscellaneous Application E023 of 2024) [2024] KEHC 7307 (KLR) (12 June 2024) (Ruling)

Neutral citation: [2024] KEHC 7307 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CRIMINAL MISCELLANEOUS APPLICATION E023 OF 2024**

DKN MAGARE, J

JUNE 12, 2024

BETWEEN

DUNCAN MWANGI NGATIA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant sought to have his life sentence equated to a term. He had been sentenced to death which was reduced to life through presidential amnesty.
2. The Court of Appeal sitting in Kisumu in HCCRA 22 of 2018 – [*Evans Nyamai Ayako*](#) equated life sentence for a 40s year old to 30 years.
3. The Court of Appeal sitting in Malindi in Malindi CACA 12 of 2021 equated life sentence for a much younger person to 40 years.
4. The Applicant is 66 years. The state has conceded to equation of the sentence to 25 years.
5. Noting the concession and aware that the same is also subject to remission, I hereby reduce the sentence to the period served. The Applicant should be released forthwith unless otherwise lawfully held.

DELIVERED, DATED AND SIGNED AT NYERI ON THIS 12TH DAY OF JUNE, 2024.

KIZITO MAGARE

JUDGE

In the presence of:

Applicant in person

Ms. Kaniu for the State



