



**Muriithi v Republic (Miscellaneous Criminal Application E077 of 2024) [2024] KEHC 11602 (KLR) (1 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 11602 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
MISCELLANEOUS CRIMINAL APPLICATION E077 OF 2024**

**DR KAVEDZA, J**

**OCTOBER 1, 2024**

**BETWEEN**

**KIMSON MUTURI MURIITHI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged and after a full trial convicted for the offence of robbery with violence contrary to section 296(2) of the Penal Code. He was sentenced to death by the trial court. His appeal to this court was dismissed vide Nairobi Criminal Appeal No. 162 of 2014. He is currently serving a life sentence.
2. He has now filed the present application seeking resentencing. The grounds raised are that the sentence imposed was in contravention of his constitutional rights. That the sentence imposed was against the Sentencing Policy Guidelines. He is remorseful and undertakes to become a law-abiding citizen if released. The time spent in custody is sufficient rehabilitation.
3. I have considered the application, the mitigating factors and the applicable law.
4. In reviewing the case, the facts indicate that the applicant robbed and killed one Jane Wairimu Njoroge. During the robbery, the applicant was armed with a club (rungu) and a machete (panga), which were used to inflict injuries and ultimately cause the victim's death. Following the victim's disappearance, her parents conducted a search and eventually discovered her remains, which consisted only of a skull and teeth, identifiable through DNA analysis. The deceased, a young girl who had recently completed her O-levels, suffered a painful death, having been violently beaten to death after the robbery. The attack was carried out in a particularly vicious and brutal manner. The applicant not only robbed the victim but also subjected her to a severe and fatal assault.



5. I find that the offence was aggravated. Having taken all these factors into consideration, I find that the Applicant's commuted sentence of life imprisonment should not be upset.
6. In the premises, the application is hereby dismissed.

Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 1ST OCTOBER 2024**

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**D. KAVEDZA**

**JUDGE**

