



REPUBLIC OF KENYA



KENYA LAW
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**Mwangi v Republic (Criminal Appeal 63 of 2013)
[2023] KEHC 18485 (KLR) (11 January 2023) (Ruling)**

Neutral citation: [2023] KEHC 18485 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL APPEAL 63 OF 2013
J WAKIAGA, J
JANUARY 11, 2023**

BETWEEN

JULIUS KIMANI MWANGI APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. By a Judgment dated December 6, 2022 I allowed the appeal on sentence and substituted the death sentence imposed upon the Appellant with a sentence of thirty years with effect from October 23, 2009 when the Appellant allegedly first appeared in Court.
2. By a letter dated December 21, 2022 under the provisions of Section 382 of the *Criminal Procedure Code*, the Appellant has brought to the attention of the Court an error apparent on the face of the record to wit that he first appeared in Court on March 10, 2006 having been arrested on March 2, 2006.
3. The Court records clearly shows that the Appellant first appeared in Court on March 10, 2006 before T W Murigi Senior Resident Magistrate when a plea of not guilty was entered on his behalf and not October 23, 2009 as per the judgment.
4. I therefore allow the appeal and rectify the error apparent on record to read that the sentence imposed on the Appellant of death is substituted with an imprisonment term of thirty (30) years with effect from March 10, 2006 when he first appeared in Court having taken into account the provisions of Section 333(2) of *Criminal Procedure Code*.
5. And it is ordered.

DATED, SIGNED AND DELIVERED AT MURANG'A THIS 11TH DAY OF JANUARY 2023.

J. WAKIAGA

JUDGE



In the presence of

Quinteen: Court Assistant

