



**Mwingirwa v Director of Public Prosecution (Petition E082 of 2023)  
[2023] KEHC 23665 (KLR) (12 October 2023) (Judgment)**

Neutral citation: [2023] KEHC 23665 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
PETITION E082 OF 2023  
TW CHERERE, J  
OCTOBER 12, 2023**

**BETWEEN**

**TIMOTHY MWINGIRWA ..... PETITIONER**

**AND**

**DIRECTOR OF PUBLIC PROSECUTION ..... RESPONDENT**

**JUDGMENT**

1. The Court of Appeal in *Julius Kitsao Manyeso v Republic* [2020] eKLR has held that imposition of a mandatory indeterminate life sentence, is an unjustifiable discrimination, unfair and repugnant to the principle of equality before the law under article 27 of the *Constitution*.
2. To that end, petitioner's life sentence is substituted with 20 years and shall subject to the provisions of section 333(2) of the *Criminal Procedure Code* commence from February 15, 2010 when petitioner was arrested.

**DELIVERED AT MERU THIS 12<sup>TH</sup> DAY OF OCTOBER 2023**

**WAMAE. T. W. CHERERE**

**JUDGE**

Appearances

Court Assistant - Kinoti/Munene

Petitioner - Present

For the DPP - Ms.Rita ( PC-1)

