



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CRIMINAL REVISION CASE NO. 409 OF 2010**

*(Originating from Kibera Criminal Case No. 2637 Of 2008 And Court of Appeal No. 47 Of 2015)*

**ROBERT NDUNGU GITAU.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING:**

I have considered the inquiry made by the Officer in Charge, Kamiti Medium Prison dated 27.1.2021.

The sentence herein was enhanced by the Judgment of the Hon. Lady Justice Mary M. Gitumbi, on 15.11.2013. On appeal to the Court of Appeal, the Court of Appeal referred the matter back to the High Court only for determination of the issue of sentence (Ruling of 29.9.2015).

Following the order of the Court of Appeal, the matter came up before Justice Ngenye on 18.10.2016. The court clearly informed the applicant that the mandatory sentence would still be 20 years. The appellant then withdrew his appeal entirely. He could only withdraw the appeal on sentence as ordered by the court. The consequence of this is that the order sentencing him to 20 years imprisonment on 15.11.2013 was reconfirmed.

The subject convict (former convict) herein is therefore to serve a sentence of 20 years' imprisonment. The same to run from the date of the original conviction on 15.10.2013. I so order.

**HON. D. O. OGEMBO**

**JUDGE**

**3.2.2021.**