

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

PETITION NO.45 OF 2019

EDWARD KIPKOECH NGETICH.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

SENTENCE

1. The petitioner was found guilty but insane after being tried for the offence of murder and he was detained at the president's pleasure under section 166 (1) of the criminal procedure court.
2. The petitioner filed this case pursuant to the Supreme Court decision in the *FRANCIS KARIOKOR MURUATETU* case seeking resentencing.
3. The petitioner was referred to the psychiatrist for assessment and a report was filed dated 22/4/2021 which states that he is now fit to stand trial.
4. The petitioner has been in custody since 7/12/2010 when he was first arraigned in court.
5. I have considered the probation officer's Report and also the submissions filed by the Respondent and also the petitioner's mitigation.
6. I find that the petitioner has been undergoing treatment which he has completed. He has also been engaged in spiritual programs while in remand and he has undertaken Mechanical grade tests III and II.
7. I find that the petitioner recovered from his mental sickness and I reduce his sentence to the period already served.
8. I accordingly direct that the petitioner be released forthwith unless lawfully held for any other reason.

DELIVERED, DATED AND SIGNED AT KERICHO THIS 1ST DAY OF OCTOBER 2021.

A. N. ONGERI

JUDGE