



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL REVISION 255 OF 2018

GEOFFREY KIPKEMOI KEMEI.....APPLICANT

VERSUS

REPUBLICRESPONDENT

RULING

The applicant filed his Notice of Motion on 6th December, 2018 seeking the order that ***“This Honourable Court be pleased to determine my application for rehearing of the sentence imposed against me.”***

On 29th April, 2020, the matter was placed before me for directions.

Noting that the applicant was relying on **Francis Karioko Muruatetu and Another v Republic [2017] eKLR**, I gave directions that the court file in *High Court Criminal Case Number 7 of 2007* or proceedings be availed.

To date that file has not been produced or availed.

I went looking for the same at **eKLR**.

I found that the applicant was charged together with Moses Kipkorir Too and Charles Kipkoech Korir in *Kericho High Court Criminal Case Number 7 of 2000* with **Murder Contrary to Section 203 as read with 204 of the Penal Code**. The Court (*Muga Apondi J*) found them guilty as charged, convicted and sentenced them to death.

The judgment on appeal is reported as **Moses Kipkorir Too & 2 Others v Republic [2013] eKLR**. The applicant is held at Kericho G.K. Prison. The matter has been mentioned severally for the original file to be brought but to no avail.

The appeal decision was rendered by the Court of Appeal sitting at Nakuru on 12th April, 2013, upholding the sentence of death.

I have searched the High Court decision online, in vain and it appears to me that it was not reported. The file may have been returned to Kericho.

It is for this reason and for the reason that the matter was heard by the judge sitting at Kericho, that I direct that;

- 1. The applicant's application be transferred to the High Court of Kenya at Kericho for hearing.**
- 2. The matter be placed before the Deputy Registrar Kericho on 17th of September 2020 for directions for the file to be placed before the Judge.**
- 3. The Deputy Registrar to avail the High Court Criminal Case File Number 7 of 2003 to the Judge.**
- 4. The proceedings in this file from 18th May 2020 to 18th July 2020 be expunged from the file.**
- 5. The Deputy Registrar, Nakuru to ensure the order is complied with.**

Dated at Nakuru this 8th day of August, 2020.

Delivered and Signed at Nakuru this 2nd September, 2020.

In the presence of: VIA ZOOM

Court Assistant Edna

For state: Ms. Kibiriu

Mumbua T. Matheka

Judge

2nd September, 2020.

Applicant present: I have my High Court Judgment

Court: The applicant to send it through the Prison Authorities to the Court Assistant for placing in his file to be transmitted to Kericho.

Mumbua T. Matheka

Judge

2nd September, 2020.