



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KITALE

MISCELLANEOUS CRIMINAL APPLICATION NO. 186 OF 2018

IRENE CHEBET ALIAS ALICE.....APPLICANT

VERSES

REPUBLIC.....RESPONDENT

RULING

1. The Applicant’s application dated 7th December, 2018 is premised on the Supreme Court decision in the case of *Muruatetu & another versus Republic, petition number 15 and 16 of 2017*. That now famous decision emphasised that death sentence was not the only efficacious punishment in capital offences. It further gave a lifeline to those earlier sentenced like the applicant herein to ask that their sentence be considered afresh.
2. The Applicant was sentence to death by this court on the 14th day of December 2005. Her appeal to the Court of Appeal was rejected on the 23rd May 2014. Since then she has been in custody which she still is to date. She submitted that she left behind two children who are now in their late teens. Other than that she has learned a lot while in prison and she produced several testimonials to that effect.
3. It appears that other than religious training she has learned and graduated in tailoring as per the report from the prison authorities.
4. The state counsel did not oppose her application but left it to the discretion of the court.
5. The court has taken into account the application as well as the above cited authority and it is of the considered opinion that the applicants stay in prison for about 17 years has taught her a lesson. It is however necessary that she be granted another lease of life outside. Hopefully she should put into use the training she has attained while in custody for herself and her children.
6. The Applicant is hereby set free unless lawfully held. She shall further serve a probation period of one year as shall be advised by the relevant probation office.
7. Orders accordingly.

Dated, signed and delivered at Kitale this 1st day of October 2020.

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H. K. CHEMITEI

JUDGE

1/10/2020

In the presence of:-

Miss Mumo for Respondent

Applicant – present

Court Assistant – Kirong

Ruling read in open court.