



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CONSTITUTIONAL PETITION NO. 30 OF 2019**

**(CORAM: HON. R.E. ABURILI - J)**

**JOHN WANGIRA ORJAMA.....PETITIONER**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(A Petition for resentencing from original conviction and sentence in Judgment*

*in Busia HCRC No. 2 of 2007 AND CACRA No. 33 of 2014)*

**JUDGMENT**

1. The Petitioner John Wangira Orjama was convicted and sentenced to death by Hon. Mbogholi Msagha J on 15<sup>th</sup> July 2019, for the offences of Murder contrary to **Section 203 as read with Section 204 of the Penal Code**.
2. He appealed to the Court of Appeal vide CRA 33/2014 but the appeal was determined on 28<sup>th</sup> March 2019 by G.M. Githinji, Hannah Okwengu and J Mojammed JJA wherein in his CRA 33/2014, the appeal against conviction was dismissed but the appellate court reduced his sentence from death to twenty years imprisonment to be calculated from 15/7/2019.
3. The Appellant has now come to court for resentencing. Regrettably, the Court of Appeal has already resentenced the Petitioner as by law established, applying the principles in the Francis Karioko Muruatetu case Pet 15 and 16 of 2015. That being the case, this court has no jurisdiction to review a judgment of the Court of Appeal which was based on current judicial pronouncements.
3. In the premises, this petition is found to be without merit and the same is hereby dismissed.

**Dated, signed and Delivered at Siaya, this 22<sup>nd</sup> Day of July 2019.**

**R.E. ABURILI**

**JUDGE**

**In the presence of:**

The Petitioner in Person

Mr. Okachi, Senior Principal Prosecution Counsel for the State

Court Assistants: Brenda and Modestar