



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Migwi v Republic (Criminal Revision E347 of 2024)
[2025] KEHC 13554 (KLR) (30 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13554 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL REVISION E347 OF 2024**

**JM NANG'EA, J
SEPTEMBER 30, 2025**

BETWEEN

ANTHONY KAMAU MIGWI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant had been charged with and convicted in Nakuru Chief Magistrate's Criminal Case No. 2420 of 2017 of the offences of Violent Robbery contrary to Section 296(2) of the Penal Code and Rape Contrary to Section 3(3) of the *Sexual Offences Act* No. 3 of 2006. He was sentenced to 10 (ten) imprisonment on each of the counts which sentences were ordered to be served out consecutively.
2. The Applicant subsequently sought through this Court's Miscellaneous Criminal Application No. E075 of 2022 review of the sentence so that the period he was in remand custody awaiting conclusion of trial would be taken into account. My brother (Mohochi S.M. – J) allowed the Application and directed the sentences imposed to run from 22nd September 2022 when the Applicant was presumably arrested. The court added as follows;-

“ All other elements in the sentence remain unaffected by this review.”
3. The Applicant now pleads that the sentences meted out against do run concurrently.
4. The Prosecutor did not reply to this Application.
5. It is clear from the foregoing that the Honourable Justice S. M. Mohochi upheld the lower court's order that the sentences imposed on the Applicant be served out consecutively. In line with the doctrine of stare decisis, this court has no jurisdiction to interfere.
6. This Application for the sentences to run concurrently is therefore dismissed.



J. M. NANG'EA

JUDGE.

RULING DELIVERED THIS 30TH DAY OF SEPTEMBER, 2025

In the presence of:

Mr Wakasyaka for the DPP.

The Applicant, present.

The Court Assistant (Jeniffer).

J. M. NANG'EA, JUDGE.

