



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
CRIMINAL MISCELLANEOUS NO, E250 OF 2024

PATRICK KIRUMA KANIARU.....PETITIONER

- VERSUS-

REPUBLIC.....RESPONDENT

RULING

1. The Applicant has moved this Court invoking the Court’s jurisdiction to review and invites the Court to review and set aside the sentence imposed herein of life imprisonment.
2. The Applicant argues that the sentence of life imprisonment has been found to be unconstitutional to the extent of being indeterminate in nature.
3. The Applicant relies on the Court of Appeal decision **Julius Kitsau Mayeso Vs. Republic Malindi Court of Appeal No. 12 of 2021.**
4. The Applicant had upon conviction appealed **Nakuru High Court Appeal No.28 of 2011** which dismissed the appeal and confirmed the sentence.

5. He moved an appeal to the **Court of Appeal in Appeal No.25 of 2025** which was equally dismissed.
6. I am inclined to disallow this application on the premise that the **Manyeso** decision has since been overturned in the Supreme Court in April 2025 and the Supreme Court held that the Court of Appeal acted as a Court
7. with original jurisdiction and contravened the doctrine of *stare desis*.
8. As of today the imprisonment for life connotes the natural life of the convict.
9. I am thus inclined to dismiss this application for lack of merit.

Signed, Dated, and Delivered at Nakuru
This 12th day of November, 2025.

Mohochi S.M.
Judge