



REPUBLIC OF KENYA



**Kiprono v Republic (Miscellaneous Criminal Application E018 of 2025)  
[2025] KEHC 17178 (KLR) (25 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 17178 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BOMET  
MISCELLANEOUS CRIMINAL APPLICATION E018 OF 2025  
JK NG'ARNG'AR, J  
NOVEMBER 25, 2025**

**BETWEEN**

**GEOFFREY CHERUIYOT KIPRONO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. The particulars of the offence were That on 1<sup>st</sup> August 2016 at Kipsinende Village, Bosto Sub-Location in Konoin Sub-County within Bomet County, he murdered Richard Metet.
2. This court (Muya J.) found the Applicant guilty of the offence of murder and sentenced him to death on 19<sup>th</sup> July 2017. Upon an earlier Application for resentencing dated 9<sup>th</sup> November 2022, this court (Korir J.) substituted the death sentence with 25 years imprisonment.
3. The Applicant has again applied for resentencing and has asked this court for a lenient sentence on the following grounds: -
  - I. That after a thorough soul searching and reflection, he has taken full responsibility for the commission of the offence and has already served 9 years imprisonment.
  - II. That he was remorseful and repentant.
  - III. That the time he has spent in custody has enabled him transform his life
  - IV. That he was provoked into the commission of the offence by anger and lack of self-control and That he had since matured.
  - V. That he would not pose a danger to the community if he were to be released.



- VI. That he needed to be released to get medical attention as he suffered from chronic epilepsy and ulcers.
4. I have noted That the Applicant has attached a recommendation letter from the Officer in Charge, Kericho Main Prison where it contained copies of the Applicant's Certificate in prison fellowship, Certificate in Prisoner's journey, Certificate in Bible League and a Baptismal Certificate. I have also seen a note from the Prison Dispensary indicating That the Applicant suffers from epilepsy.

### **Analysis**

5. As stated earlier in this Ruling, the Applicant was convicted of murder and sentenced to death. This sentence was later substituted to 25 years imprisonment by this court. It is my view That once this court sentenced the Applicant it became *functus officio* and thus the Applicant's recourse lay with the Court of Appeal. In *Elishipha Muthoni v Republic* [2022] KEHC 1410 (KLR) Chepkwony J. held: -

“The law abhors That practice of a Judge sitting to review a Judgment or decision of another Judge of concurrent jurisdiction. This is because the rule of the thumb is That courts cannot sit in review appeal over decisions of their peers of equal and competent jurisdiction much less those courts of higher Jurisdiction than theirs.

The court which ought to deal with an issue arising out of the decision of this court is the Court of Appeal as it is the one with jurisdiction under Article 164(3) of *akn ke act 2010 constitution the Constitution* and Section 379(1) of the Criminal Procedure Code. This is in appreciating the provisions of Article 50(2) (q) of *akn ke act 2010 constitution the Constitution* of Kenya, 2010 which guarantees the right of a person if convicted, to appeal to, or apply for review by, a higher court as prescribed by the law.”

6. Further, in *Lawrence Kariuki Njeru v Republic* [2021] KEHC 6118 (KLR), Njuguna J. held: -

“..... Further this court is bereft of jurisdiction to review the said judgment as doing so would be tantamount to sitting as an Appellate court on the judgment of the Learned Judge and which act the law abhors.

The petitioner ought to ventilate the issue on the resentencing and or excessive sentence at the Court of Appeal.....”

7. In the end, I find That this court has no jurisdiction to review the Applicant's sentence and therefore the Application herein lacks merit and the same is dismissed.

**RULING DELIVERED, DATED AND SIGNED AT BOMET THIS 25<sup>th</sup>  
DAY OF NOVEMBER, 2025.**

.....  
**HON. JULIUS K. NG'ARNG'AR**  
**JUDGE**

Ruling delivered in the presence of:

Siele Susan (Court Assistants)

Applicant Present

Koech for the Respondent

