



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAKURU**

**REVISION NO. E103 OF 2025**

**JEFF MUSAU MUTISO.....**

**APPLICANT**

**-VERSUS-**

**REPUBLIC .....**

**RESPONDENT**

**RULING**

1. The Applicant prays for invocation of the Provisions of **Section 333(2) of the Criminal Procedure Code** among other relevant laws in his sentencing so that the period he was in remand custody awaiting trial is taken into account. The Application is brought *vide* Notice of Motion dated 28<sup>th</sup> August 2025 filed herein.

2. The Prosecution Counsel (Daniel Wakasyaka) opposes the Application through written submissions dated 27<sup>th</sup> November 2025..
3. This Court presided over by my brother (Hon. Justice H.K Chemitei) had convicted and sentenced the Applicant to 20 (twenty) years imprisonment for the offence of **Murder contrary to section 203 as read with section 204 of the Penal Code.** The particulars of the Murder information were that on 11<sup>st</sup> August 2018 at Bondeni area, Nakuru East Sub-County, within Nakuru County, jointly with others not before the court, the Applicant murdered Mariam Abdallah. He had denied the charge.
4. After full trial, the Applicant was convicted and sentenced as above.
5. As to whether or not **Section 333 (2) of the Criminal Procedure Code** was complied with, therefore, the issue is now moot. Interfering with a decision of a court of concurrent jurisdiction offends the well established doctrine of *stare decisis* which is frowned upon.
6. The Application is therefore dismissed as lacking in merit.

**J. M. NANG'EA, JUDGE.**

**Ruling delivered this 27<sup>th</sup> day of January, 2026 in the presence of:**

**Mr Wakasyaka for the DPP.**

**Applicant, present.**

**The Court Assistant (Jeniffer).**

**J. M. NANG'EA, JUDGE.**

ORIGINAL.