



**Mwangu alias Peter v Republic (Miscellaneous Criminal Application E112 of 2023) [2026] KEHC 315 (KLR) (22 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 315 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
MISCELLANEOUS CRIMINAL APPLICATION E112 OF 2023**

**JM NANG'EA, J  
JANUARY 22, 2026**

**BETWEEN**

**RONALD MWANGU ALIAS PETER ..... APPLICANT**

**AND**

**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 an undated Notice of Motion filed herein.
2. The Prosecution Counsel (Daniel Wakasyaka) does not oppose the Application.
3. This Court presided over by my brother (Hon. Justice H.K Chemitei) had convicted and sentenced the Applicant to 5 (five) years imprisonment for the offence of Manslaughter contrary to section 205 of the Penal Code. This was the culmination of Plea Bargain between the Prosecution and the Applicant after the latter was initially charged with Murder contrary to section 203 as read with section 204 of the Penal Code. The particulars of the Murder information were that on 21<sup>st</sup> October 2022 at Mangu area, Rongai Sub-County, within Nakuru County the Applicant murdered Evans Amene Nandwa. He had denied the charge.
4. The Applicant entered plea of guilty to the lesser offence of Manslaughter and was convicted and sentenced as stated hereinabove. He has not lodged appeal to the Court of Appeal, choosing to bring this Application instead.
5. Before making a decision on sentence, the Honourable Judge had called for a pre-sentence report from the Director of Probation and After-Care Services Nakuru. The record shows that the report was filed and the court pronounced itself on sentence on 26<sup>th</sup> July 2023 imposing the 5 years imprisonment term against the Applicant.



6. As to whether or not Section 333 (2) of the Criminal Procedure Code was complied with, therefore, the issue is now moot. The court meted out a very lenient sentence relative to the offence, and must have considered all relevant factors. Besides, interfering with a decision of a court of concurrent jurisdiction offends the well established doctrine of stare decisis which is frowned upon.

7. The Application is therefore dismissed as lacking in merit.

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

**RULING DELIVERED THIS 22ND DAY OF JANUARY, 2026.**

In the presence of:

Mr Wakasyaka For The DPP.

The Applicant.

The Court Assistant (Jeniffer).

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

