

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT VOI

MISC. CRIMINAL APPLICATION NO. E040 OF 2025

**IN THE MATTER OF ARTICLE 50(2)(p)(q), 159(2), 160(1) AND
165 OF THE CONSTITUTION OF KENYA**

AND

**IN THE MATTER OF CLAUSE 7(1) OF THE TRANSITIONAL AND
CONSEQUENTIAL PROVISIONS**

AND

**IN THE MATTER OF SECTION 296(2) OF THE PENAL CODE CAP
63 LAWS OF KENYA**

AND

**IN THE MATTER OF SECTIONS 216, 329 AND 333(2) OF THE
CRIMINAL PROCEDURE CODE CAP 75 LAWS OF KENYA**

AND

**IN THE MATTER OF IN THE COURT OF APPEAL AT ELDORET;
OPRODI PETER OUMKANGA VS. REPUBLIC CRIMINAL APPEAL
NO. 260 OF 2019 (UR) DELIVERED ON 14TH APRIL, 2023**

AND

**IN THE MATTER OF PETITION NO. 5 OF 2022 AS CONSOLIDATED
WITH PETITION NO. 6 OF 2022 SHABAN SALIM RAMADHAN &
OTEHRS VS. REPUBLIC AT MOMBASA**

BETWEEN

MAN/143/016/LIFE

MAGHANGA

MWAZO

MWANJEWE.....APPLICANT

=AND=

REPUBLIC.....

.....RESPONDENT

RULING

1. The Applicant was sentenced to death for the offence of robbery.
2. He appealed to the High Court and the appeal was dismissed.
3. He cannot come back for re-sentencing since the Muruatetu case is only applicable in murder cases.
4. His application is dismissed.
5. The Applicant to await directions from the Supreme Court.

Dated, signed and delivered this 10th day of February 2026 in open court at Voi High Court.

**ASENATH ONGERI
JUDGE**

In the presence of:-

Court Assistant: Millicent

Prosecutor: Mr. Kazungu

The Applicant present