



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Muraga v Republic (Criminal Revision E013 of 2025)  
[2026] KEHC 2379 (KLR) (26 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2379 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
CRIMINAL REVISION E013 OF 2025  
HM NYAGA, J  
FEBRUARY 26, 2026**

**BETWEEN**

**PETERSON MUTHEE MURAGA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant has filed the undated Notice of Motion which seeks the following orders:
  - a. Spent
  - b. That this honourable court be pleased to peruse the court records to inform itself sufficiently on this matter.
  - c. That this honourable court be pleased to invoke section 333(2) of the [CPC](#).
  - d. That this honourable court be pleased to order that the sentence imposed on 22/2/2024 runs from the date of arrest or plea.
  - e. Any other order (s) this honourable court will be pleased to make in the circumstances of this matter.
2. In a nutshell, the applicant states that he was re-sentenced by this court on 22/2/2024 and the sentence was to commence from the date of conviction.
3. He has now come to the court seeking that under section 333(2) of the [criminal procedure code](#), his sentence be deemed to have commenced on the date he was first remanded into custody.
4. The prosecution did not file a response.



5. The applicant was convicted by this court in Criminal Case No. 56 of 2010. He was sentenced to death on 30/5/2014.
6. The court record shows that his appeal to the Court of Appeal was dismissed on 10/10/2017.
7. It is further noted that the applicant filed the following matters:
  - a. Petition No. 24 of 2020  
The court (Justice T. W Cherere dismissed his petition for re-sentencing on 4/4/2022.
  - b. The Petition No. E484 of 2023  
The court re-sentenced the applicant to twenty-five (25) years imprisonment. The court ordered that his resentence be deemed to commence from 30/5/2014 when he was convicted.
  - c. Criminal Revision No. E049 of 2024  
The applicant sought a review of his sentence. He sought orders that the time spent in custody be taken into account.
8. In the last listed case, in a ruling that I delivered on 5/12/2024, I held that this court is functus officio and cannot address the questions of his sentence. He was advised to move to Court of Appeal.
9. It is thus very clear that the applicant has been before this court several times on the issue of his sentence. For the avoidance of any doubt, it is reiterated that the court is now functus officio and it cannot address the matter again. The applicant's option is to go back to the Court of Appeal.
10. The application is dismissed.
11. The applicant is advised not to file another application or petition in this court regarding his sentence.

**SIGNED, DATED AND DELIVERED AT MERU THIS 26<sup>TH</sup> DAY OF FEBRUARY, 2026.**

**H.M. NYAGA**

**JUDGE**

