



REPUBLIC OF KENYA



**KENYA LAW**  
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**Nyawira v Republic (Criminal Petition E010 of 2025)  
[2026] KEHC 6214 (KLR) (8 May 2026) (Ruling)**

Neutral citation: [2026] KEHC 6214 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYERI  
CRIMINAL PETITION E010 OF 2025**

**MA ODERO, J**

**MAY 8, 2026**

**BETWEEN**

**LEWIS MUGO NYAWIRA ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant Lewis Mugo Nyawira has filed an application seeking review of his sentence. The application was opposed by the ODPP.
2. I have carefully considered this application for review. I note that the applicant was convicted of the offence of Robbery with Violence in the Lower Court vide Case. 507 of 2016. He was convicted and was sentenced to death.
3. The Applicant then filed an appeal in the High Court being High Court Criminal Appeal No. 149 of 2012 challenging his conviction and sentence vide a judgment delivered on 1<sup>st</sup> December 2016, Hon. Justice Mshila dismissed the appeal.
4. Thereafter through a presidential pardon the Applicants death sentence was reviewed and was commuted to life imprisonment. The Applicant has now filed his application seeking a further review of his sentence.
5. From the above narration I find that the High Court is *functus officio* in this matter. This court has no jurisdiction to alter the decision in the judgment of 1<sup>st</sup> December 2016, as the same is a decision of a court of concurrent jurisdiction.
6. The Applicant is at liberty to proceed to the Court of Appeal. I find no merit in this application. The same is dismissed in its entirety and this file is now closed.

**DATED IN NYERI THIS 8<sup>TH</sup> DAY OF MAY, 2026.**



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**MAUREEN A. ODERO**

**JUDGE**

