



Rotich v Republic (Revision Case E336 of 2024) [2026] KEHC 6092 (KLR) (5 May 2026) (Ruling)

Neutral citation: [2026] KEHC 6092 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E336 OF 2024**

JM NANG'EA, J

MAY 5, 2026

BETWEEN

AMOS KIMUTAI ROTICH APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant prays for resentencing following his sentencing to 26 years imprisonment by the Court of Appeal at Nakuru in Criminal Appeal No. 05 of 2017 for the offence of Manslaughter contrary to section 205 of the Penal Code. Earlier this court had convicted and sentenced him to suffer death for the murder of Lillian Cherotich contrary to section 203 as read section 204 of the Penal Code. The Applicant invokes inter alia the provisions of Articles 50 and 163 of *the Constitution* in support of the Application, pleading for a more lenient sentence.
2. The Prosecution Counsel (Daniel Wakasyaka) opposes the Application through brief written submissions dated 27th January 2026. Counsel submits that this court has no jurisdiction to interfere with the Court of Appeal's sentence.
3. As already noted, the Court of Appeal has sentenced the Applicant to 26 years imprisonment upon the Applicant's Appeal in which the initial murder charge was reduced to manslaughter. I agree with the Prosecutor that in the circumstances this court has no jurisdiction to review orders issued by a superior court. Reviewing the sentence would negate the well settled principle of stare decisis.
4. The Application is therefore dismissed as lacking in merit.

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

RULING DELIVERED THIS 5TH DAY OF MAY, 2026.

In the presence of:



Mr Wakasyaka for the DPP.

The Applicant.

The Court Assistant (Jeniffer).

J. M. NANG'EA, JUDGE.

