



**Muriungi v Republic (Miscellaneous Criminal Application  
E002 of 2025) [2025] KEHC 10140 (KLR) (30 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 10140 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT CHUKA  
MISCELLANEOUS CRIMINAL APPLICATION E002 OF 2025**

**RL KORIR, J  
JUNE 30, 2025**

**BETWEEN**

**JOHN MURIUKI MURIUNGI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. John Muriuki Muriungi (Applicant) was initially charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars were that he unlawfully murdered Martha Kanjira on 6<sup>th</sup> September 2016 at Ithambanderi village, Kanjoro Location within Tharaka Nithi County.
2. Mid-way through the trial, the Applicant (then Accused) entered plea negotiations with the Prosecution resulting in a plea Agreement and a substituted charge for manslaughter contrary to Section 202 as read with Section 205 of the Penal Code. He pleaded guilty and was convicted and sentenced to serve 20 years' imprisonment.
3. The Applicant was dissatisfied with the sentence and filed a Notice of Appeal dated 22<sup>nd</sup> September 2021 and a Memorandum of Appeal to the Court of Appeal dated 24<sup>th</sup> June 2020. His Appeal is still pending before that court and there was no evidence that he had withdrawn the said Appeal.
4. The Applicant has now petitioned this court to reduce his sentence. In his Petition dated 5<sup>th</sup> July 2024, he seeks the court's intervention to include the period spent in pre-trial custody and reduce the 20 years' sentence proportionately. He further prays that the Court converts the balance of his sentence to a non-custodial sentence since his family had forgiven him.
5. In submissions dated 4<sup>th</sup> April 2025 styled as "Amended Grounds", the Petitioner stated that he had not filed an appeal to the Court of Appeal. That he was a first offender, a family man, and was a remorseful, truthful and rehabilitated person who was ready to join the community. He submitted



several Testimonials from the prison authorities and prison Pastoral missions stating that he was sufficiently rehabilitated and reformed.

6. The Petition was opposed by the Respondents. In Submissions dated 28<sup>th</sup> April 2025, the Respondent urged that there was no evidence that the court did not apply Section 333 of the *Criminal Procedure Code*. That the 20 years' sentence was far below the statutory minimum for the offence which indicated that the trial court took into consideration mitigating factors including pre-trial custody and exercised discretion. They urged that the Petition lacked merit as the Petitioner had appealed the sentence in Criminal Appeal No. 29 of 2020 pending at the Court of Appeal in Nyeri.
7. I have considered the Petition. The trial was before Limo J. a court of concurrent and equal jurisdiction. It is clear to me that the Petitioner understood that his recourse for reduction of sentence lay with the Court of Appeal as he had already filed his Appeal.
8. I have also looked at the trial record and particularly the sentence Ruling issued on 20<sup>th</sup> October, 2018. It clearly indicates that the trial court took into consideration all mitigating factors including the 2 year pre-trial custody.
9. It is my finding that the Petition lacks merit. The Petitioner shall await the outcome of his appeal pending before the Court of Appeal.

Orders accordingly.

**RULING DELIVERED, DATED AND SIGNED AT CHUKA THIS 30<sup>TH</sup> DAY OF JUNE, 2025.**

.....

**R. LAGAT-KORIR**

**JUDGE**

Ruling delivered in the presence of the Applicant in person at Embu Prison and Ms Rukunga for State; Muriuki (Court Assistant).

