



**Wafula v Republic (Criminal Petition E030 of 2023)
[2025] KEHC 9150 (KLR) (27 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9150 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL PETITION E030 OF 2023
RN NYAKUNDI, J
JUNE 27, 2025**

BETWEEN

GODWIN BARASA WAFULA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Before this court for determination is the applicant's application dated Before this court is an application in the case as follows:
 - a. That the petitioner herein above be allowed to appear honorable court for the hearing of review and resentencing as per article 50(2) of the constitution
 - b. That, the court to take affirmative action under article 165 (6) (7) of the constitution to call for the records from the registrar
 - c. That, the costs of this petition be in the basis of violation of fundamental rights as outlines articles 48 of the constitution
2. In support of the application, the applicant swore an affidavit in which he deposed as follows:
 - a. The I am the petitioner herein and hence competent to swear this affidavit on my behalf.
 - b. That I was arrested and charged with the offence of defilement c/sec 8(1) (2) of the SOA and sentenced to life imprisonment in the SO case no.3973 of 2010 CM's court Eldoret.
 - c. That there is a threat of contravention of my fundamental rights and other litigants should the decision reach as it was in the case of Lukas Mberia vs Republic criminal matter number 179 of 2019 and in Christopher Ochieng vs republic Kisumu court of appeal 202 of 2011 (2018) eKLR for the interests of justice as outlines article 27(1) (2) of the constitution.



- d. That, I entirely make this affidavit in support of my petition for review of the sentence imposed under section 8(1) (2) of the SOA through constitutional reference above eKLR.
- e. That whatever is stated herein is true to the best of my knowledge and belief

Decision

- 3. Having perused through the record, I take note of the fact that the applicant is desirous of having his sentence reviewed to a lenient one based on the provisions of Art. 50 of *the Constitution*. However, the record in its entirety indicates that there is an ongoing Criminal Appeal No. E049 of 2024. The applicant ought to then pursue the appeal to its completion and consider his options if any thereafter. The application therefore before this court is premature and is dismissed for want of merit.

DATED AND DELIVERED AT ELDORET THIS 27TH DAY OF JUNE 2025

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R. NYAKUNDI

JUDGE

