



**Ntugu v Republic (Miscellaneous Criminal Application  
E036 of 2025) [2025] KEHC 11621 (KLR) (29 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11621 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT CHUKA  
MISCELLANEOUS CRIMINAL APPLICATION E036 OF 2025**

**RL KORIR, J  
JULY 29, 2025**

**BETWEEN**

**JEREMIAH NTUGU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Jeremiah Ntugu (Applicant) was charged in Marimanti Principal Magistrate’s Court in Criminal Case No. 1207 of 2019 with the offence of attempted murder contrary to section 220(a) of the [Penal Code](#). He was accused of attempting to cause the death of one Peter Mutegi by shooting him on the stomach with an arrow.
2. At the trial the court (Hon. P N Maina, Chief Magistrate) convicted and sentenced him to 19 years’ imprisonment on 6<sup>th</sup> September, 2021.
3. Dissatisfied with the judgement, the Applicant appealed to this court. In a judgement dated 16th March, 2023, Gitari J dismissed the appeal in its entirety.
4. Still undeterred, the Applicant returned to this court with an application seeking the period he spent in pre-trial custody be reduced from his sentence as provided for under Section 333(2) of the [Criminal Procedure Code](#). His undated Petition received in court on 8th August, 2024 was heard and determined.
5. In a Ruling dated, 29th October 2024, Gitari J allowed the application and ordered that the Applicant’s sentence shall run from 5th November, 2019.
6. The Applicant has now come back to this court seeking further resentencing. In his undated application, he states that he was remorseful and had apologised to the complainant and had also served one-third of his sentence.



7. In the supporting affidavit, the Applicant stated that his family was suffering as he was their sole breadwinner. He also averred that he had now repented his sins and was transformed and ready for reintegration back into the community.
8. At the hearing of the Application on 22<sup>nd</sup> July, 2025, the Applicant gave oral submissions. He told the court that his father was now deceased and his aged mother was dependent on him. He stated that his family disintegrated when he was incarcerated and his wife had left the matrimonial home and taken away his children whom he had since learnt were suffering and one had even attempted suicide.
9. The Application was opposed by the Respondent. In submissions dated 28<sup>th</sup> July, 2025, the Respondent stated that the sentence was appropriate and just. They urged that the Applicant was convicted of a felony which carried a serious sentence upto life imprisonment. That the sentence of 19 years was therefore lenient in the circumstances of the case.

### **Analysis and Determination**

10. I have already set out the background to this Application. It is clear to this court that the Applicant was trying his luck for the third time in the same court. I decline the invitation to revisit the Applicant's sentence which has been the subject of multiple applications which were decided by the court.
11. It is my considered view that this court was *functus officio* and the Applicant should now move his case to the Court of Appeal. The multiple applications before the same court amounts to an abuse of the process of the court.
12. The Application is dismissed.  
Orders accordingly.

**RULING DELIVERED, DATED AND SIGNED AT CHUKA THIS 29<sup>TH</sup> DAY OF JULY, 2025.**

.....

**R. LAGAT-KORIR**

**JUDGE**

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

