



**Muranga v Republic (Petition E0484 of 2023)
[2024] KEHC 1686 (KLR) (22 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1686 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
PETITION E0484 OF 2023
TW CHERERE, J
FEBRUARY 22, 2024**

BETWEEN

PETERSON MUTHEE MURANGA APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. On 30th May, 2014, Petitioner was sentenced to suffer death for the offence of murder. His appeal to the Court of Appeal vide *Peterson Muthee Muranga v Republic* [2017] eKLR was dismissed on 10th October, 2017.
2. Petitioner prays for resentence on the ground that he is remorseful and has reformed.
3. The state through Ms.Rita learned counsel for the DPP opposed the petition on the ground that
4. Whereas the Supreme Court decision in *Francis Kariuki Muruatetu & Another v Republic & 5 others* [2016] eKLR declaring the mandatory death sentence unconstitutional has necessitated resentencing of all persons previously sentenced to the mandatory death sentence for murder.
5. I have considered that the offence herein was unprovoked and involved stab wounds on right thumb, three stab wounds on the back, one stab wound on the neck, one stab wound on the upper left lung and one stab wound on the lower right side that led to deceased dying of hemorrhagic shock.
6. Petitioner has served 9 years since the date of his conviction on 30th May, 2014 and whereas it is in the interests of justice that crime should be punished, punishment that is excessive serves neither the interests of justice nor those of society. (See *South African case S v Scott-Crossley* 2008 (1) SACR 223 (SCA) at para 35).
7. Flowing from the foregoing, I find that it would not serve any meaningful purpose to confine Petitioner to a life of hopelessness. I am therefore persuaded to resentence Petitioner to a determinate sentence.



8. In the end, Petitioner is resented to (twenty-five) 25 years imprisonment and there being no evidence concerning the date of his arrest, the sentence shall be computed from 30th May, 2014 when he was convicted.

DELIVERED AT MERU THIS 22nd DAY OF February 2024

WAMAE. T. W. CHERERE

JUDGE

In the presence of-

Court Assistants - Kinoti/Munene

Applicant - Present

For DPP - Ms. Rita (PC-1)

