



**Mwiti v Director of Public Prosecution (Petition E006 of 2024)
[2024] KEHC 6463 (KLR) (30 May 2024) (Judgment)**

Neutral citation: [2024] KEHC 6463 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
PETITION E006 OF 2024
TW CHERERE, J
MAY 30, 2024**

BETWEEN

GERISON MWITI PETITIONER

AND

DIRECTOR OF PUBLIC PROSECUTION RESPONDENT

JUDGMENT

1. Petitioner was sentenced in Nkubu PM CR. Case No. 19 of 2020 to serve life imprisonment for the offence of defilement contrary to section 8(1) as read with Section 8(2) of the Sexual Offences. His appeal to the High Court *vide* Gerishon Mwiti v Republic [2022] eKLR was unsuccessful.
2. Petitioner prays for resentence on the ground that the life imprisonment is indeterminate and unconstitutional.
3. Ms. Rotich for the Respondent proposed that Petitioner be resented to 30 years' imprisonment.
4. The Court of Appeal in Julius Kitsao Manyeso v Republic [2020] eKLR has held that imposition of a mandatory indeterminate life sentence, is an unjustifiable discrimination, unfair and repugnant to the principle of equality before the law under Article 27 of the Constitution.
5. In Egrone v Republic (Criminal Appeal 86 of 2019) [2024] KECA 206 (KLR) (29 February 2024) (Judgment), the Court of Appeal resented the Appellant to 15 years for a similar offence as the one petitioner was convicted of.
6. Having considered the petition, the life sentence imposed on the Petitioner is substituted with fifteen (15) years imprisonment from 30th May, 2020 when he was arrested.

DELIVERED AT MERU THIS 30th DAY OF May 2024

WAMAE. T. W. CHERERE



JUDGE

Appearances

Court Assistants - Kinoti/Munene

Petitioner - Present in person

For the DPP - Ms.Rotich (PC-1)

