



Case Number:	Constitutional Petition 13 (E017) of 2021
Date Delivered:	11 Mar 2022
Case Class:	Criminal
Court:	High Court at Kisii
Case Action:	Judgment
Judge:	Rose Edwina Atieno Ougo
Citation:	Richard Nyambuga v Republic [2022] eKLR
Advocates:	Kennedy Ochieng Odongo for Applicant Mr. Kaino for State Counsel ODPP
Case Summary:	-
Court Division:	Criminal
History Magistrates:	-
County:	Kisii
Docket Number:	-
History Docket Number:	-
Case Outcome:	Amended petition dismissed
History County:	-
Representation By Advocates:	Both Parties Represented
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISII

CON-PET. NO.13 (E017) OF 2021

RICHARD NYAMBUGA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

1. The petitioner **Richard Nyambuga** in his amended Petition filed on the 4/11/2021 seeks resentencing. The petitioner is currently serving a life sentence.
2. The petition was opposed by the State. Mr. Kaino argued that the case of **Francis Muruatetu & Another vs R (2017) eKLR** only applied to murder cases. That the Supreme Court has given directions that its decision in the Muruatetu case does not apply to Robbery with violence cases or sexual offence cases.
3. The Supreme Court on the 6/7/2021 gave directions in the case of Muruatetu that its decision in the said matter only applied to sentences in murder case under section 203 and 204 of the Penal Code.
4. The said directions are binding to this court, thus the petitioner's request for resentencing cannot be granted. The amended petition is therefore dismissed.

DATED, SIGNED AND DELIVERED AT KISII THIS 11TH DAY OF MARCH 2022.

R. E. OUGO

JUDGE

In the presence of:

Kennedy Ochieng Odongo for Applicant

Mr. Kaino for State Counsel ODPP

Kevin - Court Assistant



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