

KENYA / JUDGMENT

Macharia v Republic

[2026] KEHC 13693 (KLR)

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COURT

High Court

BEFORE

K Kimondo

CASE / FILE NUMBER

Miscellaneous Criminal Application E219 of 2026

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Macharia v Republic (Miscellaneous Criminal Application E219 of 2026) [2026] KEHC 13693 (KLR) (Crim) (21 September 2026) (Ruling) Neutral citation:

[2026] KEHC 13693 (KLR) Republic of Kenya In the High Court at Nairobi (Milimani Law Courts) Criminal Miscellaneous Criminal Application E219 of 2026 K Kimondo, J September 21, 2026 Between John Irungu Macharia Applicant and Republic Respondent

Ruling

1. The applicant was convicted for murder in the High Court at Nairobi in Criminal Case No. 69 of 2005. He was sentenced to death. The sentence has since been commuted to life imprisonment. 2. Following the decision of the Supreme Court of Kenya in Francis Karioko Muruatetu & others vs. Republic, Petition No 15 of 2015 (consolidated with Petition 16 of 2015 [2017] eKLR, the applicant sought for re-sentencing by the High Court at Nairobi in Miscellaneous Criminal Application No. 279 of 2019. By a considered ruling dated 9 th April 2020, the High Court (Ngenye-Macharia J, as she then was) substituted the life sentence with a determinate sentence of 40 years imprisonment. 3. The applicant is still aggrieved and has now returned to the High Court pleading for further reduction of the sentence on grounds of his “long incarceration, rehabilitation and other mitigating circumstances”. 4. I find that jurisdiction is everything; and without it, a court must lay down its tools. Motor Vessel Lilian “S” vs Caltex oil [1989] KLR 1. The upshot is that the further revision sought over the decision made by a court of concurrent jurisdiction is an abuse of court process. I accordingly strike out the applicant’s notice of motion dated 9 th September 2026 in limine and direct that this file be closed. The Deputy Registrar shall notify the applicant of this order. DATED AND SIGNED AT NAIROBI THIS 21 ST DAY OF SEPTEMBER 2026. KANYI KIMONDO JUDGE Ruling delivered in chambers in the presence of: - Mr. Edwin Ombuna, Court Assistant.

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Prepared on 26 October 2026 · Esheria