



REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA

(Coram: Mwilu; DCJ & VP, Wanjala, Njoki, Lenaola & Ouko, SCJJ)

PETITION NO. 15 OF 2015 AS CONSOLIDATED WITH PETITION NO.16 OF 2015

— BETWEEN —

FRANCIS KARIOKO MURUATETU.....1ST PETITIONER

WILSON THIRIMBU MWANGI.....2ND PETITIONER

-AND-

REPUBLIC.....RESPONDENT

-AND-

KATIBA INSTITUTE

DEATH PENALTY PROJECT

KENYA NATIONAL COMMISSION

ON HUMAN RIGHTS

INTERNATIONAL COMMISSION OF JURISTS

KENYA CHAPTER

LEGAL RESOURCES FOUNDATION

ATTORNEY GENERAL

AMICI CURIAE

(Being an appeal from the Judgment of the Court of Appeal sitting in Nairobi (E.O. O’Kubasu, P.N. Waki & J.W. Onyango Otieno JJ.A) delivered on 11th July, 2014 in Civil Appeal No. 93 of 2014))

ORDER OF THE COURT

[1] UPON READING a letter dated 3rd February 2026 addressed to the Registrar of the Supreme Court by Prof. Githu Muigai, SC, drawing the Court’s attention to an omission in the judgment in this appeal where his name was not indicated in

the judgment as the *amicus curiae*; and that the omission was an inadvertent error for which he pleads with the Court to correct by a corrigendum; and

[2] FULLY AWARE that pursuant to Section 21(4) of the Supreme Court Act, Cap 9B, and Rule 28(5) of the Supreme Court Rules, 2020, which embody the slip rule, grants jurisdiction to the Supreme Court to correct oversight or clerical errors in its own judgments; and further, that such errors have to be of such nature that their correction would not change the substance of the judgment or alter the clear intention of the Court; and

[3] UPON CONSIDERING the foregoing principles, and being satisfied from the original handwritten record of the Court that, apart from the name of Prof. Muigai, the names of Waikwa Wanyoike, Macharia Nderitu and Christine Nkonge have likewise been omitted from the typed judgment as well as from the reported version of the case; and

[4] IN VIEW of the jurisprudential significance of this appeal, it is significant that the participation in it of all counsel must be acknowledged, and consequently, being satisfied that the omission fell within the bounds of the error contemplated under Section 21(4) of the Supreme Court Act, this judgment is accordingly amended to reflect the following representation before the word “**JUDGMENT**”:

Mr. Fred Ngatia for the 1st Petitioner.

Mr. Kioko Kilukumi for the 2nd Petitioner.

Mr. Njagi Nderitu for the Respondent.

Mr. Waikwa Wanyoike with Mr. Macharia Nderitu and Ms. Christine Nkonge, for the 1st to 5th *Amici Curiae*.

Prof. Githu Muigai, SC, the Attorney General, for the 6th *Amicus Curiae*.

[6] IN THE RESULT, the correction shall constitute part of the Judgment of the Court issued on 14th December, 2017.

It is directed that this order shall be served upon the Editor of the National Council for Law Reporting to take such action as may be appropriate to effect the corrections.

DATED and DELIVERED at NAIROBI this 15th Day of May, 2026.

.....
P.M. MWILU
DEPUTY CHIEF JUSTICE & VICE PRESIDENT
OF THE SUPREME COURT

.....
S. C. WANJALA
JUSTICE OF THE SUPREME COURT

.....
NJOKI NDUNGU
JUSTICE OF THE SUPREME COURT

.....
I. LENAOLA
JUSTICE OF THE SUPREME COURT

.....
W. OUKO
JUSTICE OF THE SUPREME COURT

**I certify that this is a true copy
of the original**

REGISTRAR
SUPREME COURT OF KENYA