



**Emase v State (Criminal Revision E044 of 2024)
[2024] KEHC 12006 (KLR) (30 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 12006 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
CRIMINAL REVISION E044 OF 2024
RPV WENDOH, J
SEPTEMBER 30, 2024**

BETWEEN

PETER EMASE APPLICANT

AND

STATE RESPONDENT

RULING

1. The applicant Peter Emase seeks a Revision of his sentence pursuant to S333 (2) of the [CPC](#).
2. The applicant was convicted for the offence of defilement contrary to section 8(1) as read with Section 8(2) of the [SOA](#).
3. He was sentenced to life imprisonment. The applicant challenged the said sentence and later the matter was sent back to the trial court for resentence. He was sentenced to forty (40) years imprisonment. He then appealed to the High Court and on 5/7/2024 J. Mrima dismissed the appeal and upheld the sentence of forty (40) years. S333(2) [CPC](#) provides that when sentencing, the court should consider the period spent in remand. The applicant was before the High Court on appeal, and he never raised that issue then.
4. He cannot keep coming back to the High Court piecemeal. It is an abuse of court process. If he has any grievances, they must be dealt with at once. The High Court has dealt with his appeal and it is functus officio. If he has any other complaint, he should move the Court of Appeal.

The Application for review lacks merit and is hereby dismissed.

File closed.

DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 30TH DAY OF SEPTEMBER, 2024.

R. WENDOH



JUDGE

Delivered in the presence of:

_____ the Appellant.

Majale for the State.

Court Assistants – Juma/Hellen

