



**Adan v Republic (Criminal Revision E002 of 2021)
[2023] KEHC 22650 (KLR) (25 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22650 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT GARISSA
CRIMINAL REVISION E002 OF 2021
JN ONYIEGO, J
SEPTEMBER 25, 2023**

BETWEEN

MOHAMED HASSAN ADAN APPLICANT

AND

REPUBLIC RESPONDENT

*(From original Conviction and Sentence in Criminal Case No.
484 of 2019 of the Principal Magistrate's Court at Mandera)*

RULING

1. Vide Criminal Appeal No 6 of 2020, the applicant lodged his petition of appeal on March 2, 2020 challenging both conviction and sentence. However, the appeal was summarily rejected on September 29, 2020. Undeterred the appellant filed a notice of motion dated February 2, 2021 seeking review of sentence.
2. The state has termed the notice of motion as an abuse of the court process. Secondly, that the appellant must have served sentence. Having perused the court record, it is clear that the appeal was summarily rejected. This court is functus officio and it cannot review its own decision. On that ground, the application must fail.
3. Secondly, it is clear that from March 2, 2020, the applicant must have served sentence of 4 years hence his absence.
4. Accordingly, the application is dismissed for want of merit and file marked as closed.

DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 25TH DAY OF SEPTEMBER, 2023

J.N. ONYIEGO

JUDGE

