



REPUBLIC OF KENYA



**Mweni v Republic (Miscellaneous Criminal Application E253 of 2021)
[2022] KEHC 10694 (KLR) (Crim) (29 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 10694 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
MISCELLANEOUS CRIMINAL APPLICATION E253 OF 2021
LN MUTENDE, J
JUNE 29, 2022**

BETWEEN

JOHANA MUNYAO MWENI APPLICANT

AND

REPUBLIC RESPONDENT

(Wakiaga J. who found him guilty for the offence of murder)

RULING

1. The applicant was charged and tried by Wakiaga J. who found him guilty for the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#). He was convicted and sentenced to serve 35 years imprisonment.
2. Aggrieved, he appealed to the Court of Appeal that confirmed the sentence meted out on the 23rd September 2020.
3. Pursuant to the provisions of Section 333(2) of the [Criminal Procedure Code](#) the applicant seeks review of the sentence.
4. This court is of concurrent jurisdiction with the one presided over by Wakiaga J. I would therefore not be seized of jurisdiction to unsettle orders of the Court of Appeal being a superior court to the instant one.
5. Accordingly, the application fails and is dismissed.
6. It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI, THIS 29TH DAY OF JUNE, 2022.



L. N. MUTENDE

JUDGE

IN THE PRESENCE OF:

Applicant

Mr. Kiragu for the State

Court Assistant - Mutai

