



REPUBLIC OF KENYA



KENYA LAW
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**Jivuye v Republic (Criminal Revision E010 of 2022)
[2022] KEHC 12021 (KLR) (28 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 12021 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VIHIGA
CRIMINAL REVISION E010 OF 2022**

PJO OTIENO, J

JUNE 28, 2022

BETWEEN

HARIZON JIVUYE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have looked at the application for review together with the record of the trial court which was presented before the court for perusal and noted that the order sought to be reviewed was actually a sentence imposed upon the accused having pleaded guilty to a charge of being found in possession of stolen property.
2. He seeks revision on the basis that being his first time in court he was confused and having been informed that his relatives were engaging the complainant towards a compromise, he did not expect to suffer after having been tricked by the complainant to pay compensation after he had taken his plea.
3. I am dealing with the request for revision in the absence of the parties and without seeking to be addressed by the applicant being guided by the provisions of section 365 of the [Criminal Procedure Code](#).
4. Having done so, the purpose and jurisdiction of the court in revision, as a supervisory jurisdiction of the High Court, is purposed to ensure that decisions by the lower courts on any finding, sentence and orders passed, remain legal, correct and regular. It also extends to interrogating the regularity of the proceedings.
5. In the instant request for revision, an own plea of guilty was entered and a probation officer's report was called for. My perusal of the court file reveals that the report was duly filed and the applicant was sentenced to serve three (3) years imprisonment. The disclosed grievance is that the complainant having received the compensation ought to have dropped the complaint or just withdrawn it.



6. That grievance is a challenge to the entry of plea of guilty. That I consider to be a matter for appeal in appropriate instances and not apt for revision.
7. I discern the record to show that the plea taking as a process was regularly undertaken, the entry of the plea was both regular and legal and the sentence was itself modest and within the law.
8. Being regular in process and legal, proper and correct on the finding and sentence, I find no merit in the request and do order that it be dismissed.

DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 28TH DAY OF JUNE 2022.

PATRICK J. O. OTIENO

JUDGE

In the presence of:

No appearance for the parties

Court Assistant: Kulubi

