



REPUBLIC OF KENYA



**Juma v Republic (Criminal Revision E052 of 2020)  
[2022] KEHC 14218 (KLR) (Crim) (24 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14218 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
CRIMINAL REVISION E052 OF 2020  
JM BWONWONG'A, J  
OCTOBER 24, 2022**

**BETWEEN**

**ISAAC JUMA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an application for revision of the sentence imposed by Hon. B Ojoo (SPM) on 30th October 2019 in Kibera Chief Magistrates Court Sexual Offence No. 21 of 2017 Republic vs Isaac Juma)*

**RULING**

1. The applicant was charged and convicted of the offence of defilement contrary to section 8 (1) as read with 8 (4) of the [Sexual Offences Act](#) No. 3 of 2006. He was convicted and sentenced to serve ten (10) years imprisonment.
2. The applicant has now filed an application seeking revision of his sentence.
3. He prayed that the court takes into account the 2 years and 7 months spent in pre-trial remand custody in accordance with the provisions of section 333 (2) of the [Criminal Procedure Code](#) (Cap 75) Laws of Kenya.
4. I have considered the application herein and the submissions by the applicant. I note that the applicant substantively seeks the revision of his sentence of 10 years imprisonment.
5. I have also perused the entire record and notes that the applicant filed a similar application seeking a revision of his sentence on account of the provisions of section 333 (2) of the [Criminal Procedure Code](#) (Cap 75) Laws of Kenya in the Nairobi High Court Criminal Revision No. E314 of 2021, [Isaac Juma versus Republic](#).



6. The said application was heard and dismissed by Hon. Lady Justice L. N. Mutende on 7<sup>th</sup> October 2021.

The convict is back to court with the same application.

7. This court lacks jurisdiction to entertain and determine this application; since this court (Mutende, J) heard and determined the same application on 07/10/2021. The learned Judge dismissed the applicant's application. This court is therefore functus officio.

8. This application is an abuse of the court process and it is hereby dismissed.

**RULING SIGNED, DATED AND DELIVERED IN OPEN COURT AT NAIROBI THROUGH VIDEO CONFERENCE ON THIS 24<sup>TH</sup> DAY OF OCTOBER 2022.**

**J M BWONWONG'A**

**JUDGE**

In the presence of-

Mr. Kinyua: Court Assistant

The applicant in person

Ms Ntabo for the Republic/respondent

