



**Wambati v Republic (Miscellaneous Criminal Application E014 of 2021)  
[2022] KEHC 18046 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 18046 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUNGOMA  
MISCELLANEOUS CRIMINAL APPLICATION E014 OF 2021  
REA OUGO, J  
DECEMBER 20, 2022**

**BETWEEN**

**LABAN SIMIYU WAMBATI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1 Laban Simiyu Wambati seeks to have his sentence reduced. He was convicted by the lower court in CMCC 387/2015 to serve 20 years imprisonment. I have considered the submissions made by the parties. It is not in dispute that after his conviction the applicant appealed in HCCR 236/2015 and that his appeal was dismissed. I agree with the respondent that being court of equal jurisdiction this court lacks the jurisdiction to determine an application to reduce the sentence. The applicants only recourse is to move to the court of appeal and therefore the application is dismissed. File is closed.

**DATED, SIGNED, AND DELIVERED AT BUNGOMA IN OPEN COURT THIS 20<sup>TH</sup> DAY OF  
DECEMBER, 2022**

**R.E. OUGO**

**JUDGE**

**In the presence of:**

Ms Omondi – State Counsel

Ms Wilkister – Court Assistant.

Applicant : Laban Simiyu Wambati– present online.

