



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISII**

**CORAM: A.K NDUNG'U J.**

**CRIMINAL REVISION NO. 1 OF 2020**

**JUMA KIMAKI NGIZA.....APPLICANT**

**VERSUS**

**REPUBLIC through ODPP.....RESPONDENT**

*(From original conviction and sentence in Criminal Case No. 859 of 2015 of the Principal Magistrate's Court at Kilgoris)*

**RULING**

The applicant having been resented by this court cannot approach the same court for a further re-sentencing in a court of concurrent jurisdiction.

The matter of sentencing has been finally resolved by court and if the court did not find it fit to include the period served in remand as part of the sentence, that issue cannot be re-opened.

Application is dismissed.

**Dated and delivered at Kisii this 24<sup>th</sup> day of February 2020.**

**A.K NDUNG'U**

**JUDGE**

Mr. Otieno, Senior Prosecution Counsel, instructed by Office of Director of Prosecutions.

Applicant in person