

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

CRIMINAL MISC. APPLICATION NO. 20 OF 2019

THOMAS MUTUKU WAMBUA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

1. **Thomas Mutuku Wambua** was arraigned in Court, tried, convicted for the offence of **Causing Grievous Harm** contrary to **Section 234** of the **Penal Code** and sentenced to **life imprisonment**.
2. Aggrieved, he appealed to the High Court which confirmed the decision of the Lower Court. On Appeal to the Court of Appeal it confirmed the conviction, set aside the sentence meted out and substituted it with **fifteen (15) years imprisonment**.
3. He has approached this Court by way of Chamber Summons seeking review of the order. The High Court in exercising its lawful duty confirmed the decision of the Lower Court, a decision that was interfered with by the Court of Appeal, exercising its Appellate jurisdiction. In the premises the High Court became *functus officio* therefore I cannot re-open the case.
4. In the premises the Application is dismissed.
5. It is so ordered.

Dated, Signed and Delivered at Kitui this 19th day of June, 2019.

L. N. MUTENDE

JUDGE