

REPUBLIC OF KENYA

High Court at Machakos

Criminal Revision 472 of 2012

MARY MUKULU KITUKU.....APPLICANT

VERSUS

REPUBLIC.....PROSECUTOR

ORDER ON REVISION

COURT: This is not a case for Revision. Rather it is a matter for the appellate court. The grounds advanced by the applicant in seeking revision are not among those contemplated under Section 362 and 364 of the Criminal Procedure Code that underpins the revision jurisdiction of this court. The jurisdiction of this court to exercise that jurisdiction is limited to satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of the lower court. So that if the proceedings conducted, order made or sentence imposed by the subordinate court are deemed to be incorrect, illegal or suffer from one form of impropriety or another this court may intervene to correct the same in the exercise of its jurisdiction in revision.

From the facts of this case, the applicant was charged, tried and convicted by **Hon. P.N Gesora, SPM**. Upon conviction, she was sentenced to 3 years imprisonment. I cannot discern anything incorrect, illegal or improper in the proceedings, or the sentence meted out. In her request for revision, the applicant has pointed that she is remorseful and truly sorry for her deeds and that the court was right in convicting her. That she has been sufficiently punished, bearing in mind that she served 2 years in remand prison pending her trial and eventual conviction. That she has since been rehabilitated and learnt to co-exist with other people peacefully without having to commit crimes. Lastly, she points out that she is a mother of a young girl whom she had not been in contact with for the last 2½ years who really needs her mother's tender love and care.

All these matters go to appeal on sentence. They cannot be handled by way of revision. For these reasons, revision sought is denied.

DATED, SIGNED and DELIVERED at MACHAKOS this 31ST day of OCTOBER, 2012.

**ASIKE-MAKHANDIA
JUDGE**