



**REPUBLIC OF KENYA**

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

**CRIMINAL DIVISION**

*(Coram: Ojwang, J.)*

**CRIMINAL REVISION NO. 457 OF 2007**

**MARK KITHINJI..... APPELLANT**

**-VERSUS-**

**REPUBLIC.....RESPONDENT**

**RULING**

In this application brought by the applicant in person, he says the sentence of 5 years' imprisonment which he is now serving is excessive. He pleads his illness, and avers that he is remorseful and deserves waiver of the incidence of penalty to which he is already subject.

The applicant has not said the trial Court had committed any illegality, nor that there is any improper entry in the proceedings.

Such are the matters which a party asking for *revision* has to show; and only showing such improprieties will give this Court its revision jurisdiction.

Therefore, as a revision matter, this case is not properly before the Court.

The applicant could have proceeded by way of an appeal, but he has not done so.

Consequently, the instant application cannot be allowed.

**DATED and DELIVERED at Nairobi this 25<sup>h</sup> day of February, 2008.**

**J.B. OJWANG**

**JUDGE**

**Coram: Ojwang, J.**

**Court Clerk: Huka**

**For the Respondent: Mrs. Obuo**

**Applicant in person**