



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**

**Misc. Crim. Appli. 579 of 2004**

**STEPHEN MUNGAI NJOROGE.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

Before me is a Chamber Summons filed on 22<sup>nd</sup> September 2004 by the applicant STEPHEN MUNGAI NJOROGE, who is in prison at Kamiti Main Prison. The applicant seeks for the following orders –

“That the Hon. High Court in exercise of its powers under section 12, 69, 135(1) of the Criminal Procedure Code and all enabling provisions under the original jurisdiction of the High Court of Kenya be pleased to order that the sentence imposed upon (him) in criminal case file Nos. 77 & 78/02 of Kibera and High Court Criminal Appeal Nos. 588 & 591/02 run concurrently”.

The application is supported by an affidavit sworn by the applicant on 24<sup>th</sup> September 2004.

Learned State Counsel, Mrs. Obuo opposed the application, on the ground that this court has no jurisdiction to grant the orders sought.

I have perused all the sections of law cited by the applicant. None of them empowers the High Court to consolidate sentences that were meted out separately by the subordinate court. In any event, as deponed and averred by the applicant, appeals to the High Court have already been dismissed. The issues raised in the application should have been raised in the appeal for the court’s consideration. Two appeals in the subject matter herein have already been determined. If the appellant is dissatisfied with the decision of the High Court on appeal, then the recourse open to him would for him to file an appeal the court of Appeal, in accordance with the provisions of the law. He cannot file a Chamber Summons application to the High Court to review its decision in the appeals which have already been determined.

I find no merits in the application. It is misconceived and dismiss the same.

Dated and delivered at Nairobi this 22<sup>nd</sup> June 2007.

**George Dulu**

**Judge**