



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
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**Miheso v Republic (Criminal Revision 267 of 2024)
[2025] KEHC 2077 (KLR) (10 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 2077 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 267 OF 2024
DR KAVEDZA, J
FEBRUARY 10, 2025**

BETWEEN

SIMON ORIKU MIHESO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged with the offence of robbery with violence contrary to section 295 as read with section 296(2) of the *Penal Code*. He was also charged with the offence of possession of public stores contrary to section 324(3) as read with section 36 of the *Penal Code*, having been found in possession of hand cuffs. In the first count, the applicant committed the offence while armed with a pistol and a knife, and during the robbery, he wounded the complainant.
2. In 2019, he filed a miscellaneous application 197 of 2019 challenging the constitutionality of the mandatory death sentence that was imposed by the trial court. Consequently, the applicant was resented to 20 years imprisonment on 28th of May 2020 by the lower court.
3. Considering the nature of the offences that the applicant committed and the aggravating circumstances, it is my view that the sentence of 20 years imprisonment is appropriate for the offence.
4. The application is an abuse of the court process and it is hereby dismissed.
5. The applicant is bared from filing any similar application without the leave of this court.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 10TH FEBRUARY 2025

D. KAVEDZA



JUDGE

