



**Macharia v Republic (Criminal Miscellaneous Application E017 of 2024) [2025] KEHC 3155 (KLR) (5 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3155 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAHURURU  
CRIMINAL MISCELLANEOUS APPLICATION E017 OF 2024**

**LN MUTENDE, J**

**MARCH 5, 2025**

**BETWEEN**

**PHILIP NJOROGE MACHARIA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Philip Njoroge Macharia, the Applicant, approached this court through an undated Chamber Summons filed on 9th November, 2022 seeking review of the sentence in High Court Criminal Miscellaneous Application No.E064 of 2024 following the sentence imposed in Criminal Case No. 921/2011 by Nyahururu Principal Magistrate’s Court for the offence of Defilement contrary to Section 8(1) as read with Section 8(2) of the Sexual Offences Act where he was sentenced to serve life imprisonment.
2. The Applicant filed the instant application without disclosing that fact. In the stated application this court ruled thus:  
  
“....In the result, this court cannot reach a disparate legal interpretation that would contradict the decision of the apex court. Therefore, the application fails and is accordingly dismissed.”
3. For that reason, this court is functus officio hence the application is dismissed.
4. It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY THIS 5<sup>TH</sup> DAY OF MARCH, 2025.**

.....

**L.N. MUTENDE**

**JUDGE**

