



**Mativo v Republic (Criminal Miscellaneous Application
E017 of 2025) [2025] KEHC 4881 (KLR) (23 April 2025) (Judgment)**

Neutral citation: [2025] KEHC 4881 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
CRIMINAL MISCELLANEOUS APPLICATION E017 OF 2025**

EN MAINA, J

APRIL 23, 2025

BETWEEN

SOLOMON MUTUKU MATIVO APPLICANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. I have heard the application for reduction/review of sentence by the Applicant. He has told this court that he was tried, convicted and sentenced in this very court for the offence of murder. He was therefore sentenced by a court of equal jurisdiction as this court and the law does not provide for revision of a judgment or sentence of a High Court by another High Court. The Applicant having had his sentence reviewed as provided by the Supreme Court in the Muruatetu case he could only appeal.
2. The power of this court to revise (Power of Revision) under Section 362 of the *Criminal Procedure Code* only extends to revision of a sentence or order of a subordinate court but even then, only where no right of appeal exists (see section 364 (5) of the *Criminal Procedure Code*).
3. As for Article 50(2) (q) of *the Constitution* it provides that a convicted person has a right to apply for review by a higher court and clearly as this court is not superior to the one that convicted the Applicant this application is not properly before it and it cannot entertain the application and it is therefore dismissed.

Orders accordingly.

JUDGMENT SIGNED, DATED AND DELIVERED VIRTUALLY ON THIS 23RD DAY OF APRIL, 2025.

E. N. MAINA

JUDGE



In the Presence of:

Solomon Mutuku Mativo – Applicant (online)

Ms Kaburu for the State

Geoffrey - Court Assistant

