



**Mulandi & another v Republic (Criminal Petition E008 of 2023)  
[2025] KEHC 9432 (KLR) (4 April 2025) (Judgment)**

Neutral citation: [2025] KEHC 9432 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MAKUENI  
CRIMINAL PETITION E008 OF 2023**

**TM MATHEKA, J**

**APRIL 4, 2025**

**BETWEEN**

**MUMO MULANDI ..... 1<sup>ST</sup> PETITIONER**

**DOMINIC NZANGI KIMEU ..... 2<sup>ND</sup> PETITIONER**

**AND**

**THE REPUBLIC ..... RESPONDENT**

**JUDGMENT**

1. Mumo Mulandi filed Petition No. E007/2023: in the matter of Article 22(1), 23, 25 (c) 27(10 and 50 of the *Constitution* and in the matter of section 333(2) of the *Criminal Procedure Code* and in the matter of Criminal Case No. 183 of 2011 at Makueni Law Courts between Mumo Mulandi alias Kamomo and the Director of Public Prosecutions. This petition is premised under Article 22(1) 25(c) (d) 27 (1) and 50 (2) of the 2010 *Constitution of Kenya*.
2. He cited *Almad Abolfadbi Mohammed & Another v Respondent* (2018) eKLR, *Bethwel Wilson Kibor v Republic* (2009) eKLR, *Wilson Mwolo Masesi v Republic* Cr.App No. 2 of 2020 at Makueni Law Courts; *Elizabeth Andesi v Republic* (2022) eKLR, *Bukenya v Uganda* (Cr. App. No. 17 of 2010 (2012) UGSC 3(29th Jan, 2013).
3. He also relied on the Judiciary Sentencing Guidelines.
4. Upon perusal of the file, I made the following orders:, that the application has no merit and is dismissed on 26/6/2023.
5. On 26/6/2023 he filed this “petition” together with Dominic Nzangi Kimeu.
6. He states in the petition tht he is currently serving 20 years imprisonment term pursuant to a resentencing order made by Hon Ong’udi J on 6/2/2020 in Misc Criminal Application 137 of 2017, and his co petitioner 14 years imprisonment for handling stolen goods.



7. They are approaching the court to invoke its revisionary powers and grant them a non-custodial sentence for the remaining time of sentence pursuant to sections 362-367 of the CPC and section 8(2) of the CSO Act. In lieu of the above, the petitioners are also humbly entreating this honourable court to sentence them to time served based on respective mitigating factors prevalent since the time of their incarceration.
8. Together with the petition they filed Notice of Motion brought in the matter of Articles 10(2)(b), 19(2), 22(1), 23(1), 24, 27, 28, 20(2), 50(2)(p) and (q), 159(2)(a), of the Constitution of Kenya. In the matter of section 362-367 of the CPC and section 8(2) of the CSO Act and Section 4(2) of the probation of Offenders Act Cap 64 Laws of Kenya.
9. The petitioners seek the exact reliefs as sought in the petition.
10. The application was opposed through grounds of appeal filed on 9/8/23 by the ODPP to the effect that the court lacks jurisdiction and petitioners ought to take their matter to the Court of Appeal.
11. The matter dragged on as the petitioners awaited to file submissions.
12. There are none in the court file or in CTS.
13. That notwithstanding the issue is whether this court has the jurisdiction to revise its own judgment under the supervisory powers directed by section 362 to 364 of the Criminal Procedure Code and the Constitution – Article 165(6) and 7.
14. The provision of the law has not changed. This court is empowered to revise the orders of subordinate courts or tribunals as provided for in the constitution.
15. The petitioners have clearly misapprehended those powers as provided for under sub section 362 to 364 of the Criminal Procedure Code.
16. In the circumstances, the petition is dismissed.
17. The petitioners have a propensity for filing all manner of application and eating up judicial time yet they have a recourse in the Court of Appeal.
18. The registry is directed that any other application from these petitioners will only be filed with leave of court.
19. The petitioners are directed that they will only be able to file any other applications with the leave of court.
20. Orders accordingly

**DATED, SIGNED AND DELIVERED VIA CTS THIS 4TH APRIL 2025**

**MUMBUA T MATHEKA**

**JUDGE**

**SIGNED BY: LADY JUSTICE MATHEKA, TERESIA MUMBUA**

