



**Nyongesa v Republic (Miscellaneous Criminal Application
E007 of 2025) [2025] KEHC 4195 (KLR) (1 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4195 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
MISCELLANEOUS CRIMINAL APPLICATION E007 OF 2025**

RPV WENDOH, J

APRIL 1, 2025

BETWEEN

GEOFFREY NYONGESA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Geoffrey Nyongesa was convicted for the offence of defilement and sentenced to fifteen (15) years imprisonment on 16/10/2015.
2. The applicant filed an appeal to the High Court Kapenguria in HCCR.A 25/2015 and On 29/9/2026 Justice Githinji dismissed the appeal.
3. He has filed an application seeking review of his sentence pursuant to section 333(1) of the CPC, that the period spent in remand be considered in the sentence.
4. The Prosecution Counsel opposed the application for reasons that the applicant has already been heard by this court on appeal and if he is aggrieved, he should move to the Court of Appeal. I agree with the prosecution Counsel. This court has no jurisdiction to
5. entertain this application because the applicant has already been heard by this court on appeal. If Section 333(1) was not considered by the trial court, he should have raised it during his appeal. If he is still aggrieved, he should move to the Court of Appeal for redress. The application lacks merit and is dismissed.

File closed.

DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 1ST DAY OF APRIL, 2025

R. WENDOH.



JUDGE.

Judgment delivered in Open Court in the presence of; -

Mr. Majale for the State

Applicant – present

Juma/Hellen - Court Assistants

