



**Christina v Republic (Miscellaneous Criminal Application  
E024 of 2024) [2025] KEHC 8739 (KLR) (20 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8739 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VOI  
MISCELLANEOUS CRIMINAL APPLICATION E024 OF 2024**

**AN ONGERI, J**

**JUNE 20, 2025**

**BETWEEN**

**JULIUS JULAI CHRISTINA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. This is an application of review of the sentence meted on the Applicant herein.
2. Applicant was sentenced to death for robbery with violence contrary to Section 296(2) of the [Penal Code](#) vide Criminal Case No. 417 of 2004.
3. The Applicant appealed to the High Court vide HCRA No. 41 of 2005 and the appeal was dismissed.
4. The Applicant appealed to the Court of Appeal vide CACR Appeal No. 84 of 2009 and the second appeal was also dismissed.
5. The death penalty was commuted by his Excellency the President to a sentence of life imprisonment.
6. The Applicant made a similar application as the current one before my predecessor Hon. Justice Dulu and the same was dismissed on 7<sup>th</sup> October 2024.
7. The sole issue for determination in this application is whether this court has the jurisdiction to review the appeal.
8. This court lacks jurisdiction to review the sentence imposed on the Applicant.
9. The Applicant was convicted of robbery with violence under Section 296(2) of the [Penal Code](#) and sentenced to death, a decision upheld by both the High Court and the Court of Appeal in subsequent appeals.



10. Following the commutation of the death penalty to life imprisonment by the President, the Applicant has sought review of his sentence, a similar application having been dismissed by Hon. Justice Dulu on 7th October 2024.
11. The jurisdiction of this court in criminal revision matters is circumscribed by Sections 362 and 364 of the *Criminal Procedure Code*, which permit correction of errors on the face of the record or procedural mistakes by subordinate courts but do not extend to altering sentences affirmed by higher appellate courts.
12. The Court of Appeal in *George Muia Mutisya v Republic* (2013) emphasized that once a sentence is confirmed on appeal, the trial court's revisionary powers cannot be invoked to revisit it.
13. Similarly, in *Ngove v Republic* (2024), the High Court held that a life sentence imposed after commutation of a death penalty—itsself affirmed by the Court of Appeal—could not be reviewed under revisionary jurisdiction; such relief could only be pursued through a constitutional petition or appeal to the Supreme Court.
14. The Applicant's contention that his indefinite life imprisonment warrants review is not tenable under the present procedural avenue.
15. As held in Morris Kaberia's case, while the judiciary has acknowledged the need for reconsideration of long-serving life sentences, this must be pursued through constitutional challenges or resentencing frameworks, not revision.
16. The Applicant's recourse, if any, lies in a constitutional petition under Article 22 of *Constitution* or a resentencing hearing under the emerging jurisprudence on proportionality of life imprisonment, as suggested in Criminal Appeal 6 of 2009.
17. Consequently, the application is dismissed for lack of jurisdiction.
18. The Applicant may explore alternative remedies as outlined above.

**DATED, SIGNED AND DELIVERED THIS 20<sup>TH</sup> DAY OF JUNE 2025 IN OPEN COURT AT VOI HIGH COURT.**

**ASENATH ONGERI**

**JUDGE**

In the presence of:-

Court Assistant: Millicent

