



REPUBLIC OF KENYA



KENYA LAW
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**Bekel & 6 others v Republic (Criminal Revision E005 of 2025)
[2025] KEHC 10647 (KLR) (Crim) (17 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10647 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ISIOLO
CRIMINAL
CRIMINAL REVISION E005 OF 2025
SC CHIRCHIR, J
JULY 17, 2025**

BETWEEN

**GABET BEKEL 1ST APPLICANT
TERFAR DESALENG 2ND APPLICANT
DALAMO TELEKA 3RD APPLICANT
TRAKEG BEKEL 4TH APPLICANT
CHARINAT GITA 5TH APPLICANT
MARICOSE BINCAMO 6TH APPLICANT
DASITA GABURE 7TH APPLICANT**

AND

REPUBLIC RESPONDENT

RULING

1. The Applicants herein were convicted by the trial court of the offence of being unlawfully present in Kenya contrary to Section 53(1)(j) as read with Section 53(2) of the *Kenyan Citizenship and Immigration Act* 2011. They were convicted on their own plea and fined Ksh.500,000 and in default, a prison term of 1 and a half years.
2. They have moved this court seeking for an order of revision with a view to reversing the sentence meted out by the trial court



3. The Revision jurisdiction of the High Court is founded on Section 362 to 367 of the *Criminal Procedure Code*(CPC). The purpose of revision as set out under Section 362 of the *CPC* is to ascertain the correctness, legality or propriety of the subordinate court's proceedings, orders or sentences.
4. Section 53(1)(j) as read with Section 53(2) of the *Kenya Citizenship and Immigration Act* under which the Applicants were charged provide for a maximum fine of Ksh.500,000 or to a prison term not exceeding 3 years, upon conviction. The Applicants herein were each fined Ksh. 500,000 or one and a half years in default.
5. The Applicants have not faulted the fine or sentence. They have not pinpointed any fault in it. In other words, they have not provided the grounds for revisions. Further the above sentence and fine are within the law.
6. This Application is among the many others that are increasingly coming up before the high court seeking orders of revision, without setting out the grounds for invoking the jurisdiction of the high court. It is as though convicts are increasingly treating revision Applications as an automatic right whenever they feel aggrieved by the orders of the subordinate courts. This trend if allowed to go on risks subjecting the Revision jurisdiction of the high court to abuse. This trend must be curtailed.
7. They must be reminded that for an order or sentence or proceedings to be eligible for revision, the Applicant must demonstrate that such a sentence, order or proceedings was incorrect, illegal or improper.
8. In present case, if the Applicant considered the sentence excessive, then the appropriate remedy was an Appeal and not a Revision.
9. In a nutshell, I do not find any incorrectness, illegality or impropriety in the sentence passed by the trial court. The Application has no merit. It is hereby dismissed.

DATED, SIGNED AND DELIVERED AT ISIOLO THIS 17TH JULY 2025.

S.CHIRCHIR

JUDGE

In the presence of:

Roba Katelo- Court Assistant

Gabet Bekel- Applicant

Mr. Ngetich for the Respondent.

