



**Bilal v Republic (Criminal Revision E141 of 2025)
[2025] KEHC 11481 (KLR) (2 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11481 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKADARA
CRIMINAL REVISION E141 OF 2025**

J WAKIAGA, J

JULY 2, 2025

BETWEEN

YUSSUF BILAL APPLICANT

AND

REPUBLIC RESPONDENT

*(Being revision for the original conviction and
sentence from original criminal case no E63 of 2018)*

RULING

1. The applicant was charge , tried and convicted of the offence of trafficking of narcotic drugs contrary to section 4 of the Act and sentenced to serve thirty-five (35) years imprisonment , to pay a fine of Kenya shillings thirty-seven thousand three hundred and fifty thousand (Kshs 37,350,000) in default a one-year imprisonment. All the sentences were to run consecutively from 27th May 2021.
2. The court records show that he filed an appeal to this court wherein his said sentence was reduced and substituted with a sentence of eleven years to run from the date of conviction.
3. He lodged an application pursuant to the prison decongestion in Criminal Revision No 361 of 2024 Kibera which application was dismissed by the court on 26th day of March 2025, on the grounds that he was not entitled to non-custodial sentence due to the seriousness of the offence.
4. By the application undated the applicant as they always do has once again approached the court for review of the sentence imposed herein and to take into account the time spent in custody of two months from 10th may 2019 to 4th June 2019 under the provisions of section 333(2) of CPC.
5. The applicant having filed an appeal to this court lost his right for revision as the law states that it is only the person who has no right of appeal who is entitled to revision.



6. The issue of the time spent in custody should have been taken by the applicant on appeal so that the applicant does not fall foul of the doctrine of res judicata which I now find and hold that the application herein is.
7. If the same has merit which I find and hold it is not, then this application should have been filed as an application for review in the original appeal file and not as a substantive application for revision.
8. I therefore find no merit on the application herein which I dismiss .

DATED SIGNED AND DELIVERED THIS 2nd DAY OF JULY 2025

J.WAKIAGA

JUDGE

In the presence of

